

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 118

Introduced by Council Members Rosenthal, Chin, Johnson, Koo, Mendez, Rose, Wills, Rodriguez, Van Bramer, Cohen, Levin and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to amending reporting requirements and agency goals related to participation of minority and women owned business enterprises in procurements

Be it enacted by the Council as follows:

Section 1. Subparagraph h of paragraph 1 of subdivision 1 of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, is amended to read as follows:

(h) a list of all solicitations submitted to the city chief procurement officer pursuant to subparagraph e of paragraph 2 of subdivision h of this section, and a [summary] *detailed explanation* of the determination made regarding each such submission; and

§ 2. Paragraphs 1 and 5 of subdivision g of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, are amended to read as follows:

(1) Beginning May 15, 2006, and on [April 1] *July 31* of each year thereafter, each agency which, during the fiscal year which ended on June 30 of the preceding year, has made procurements in excess of five million dollars, without counting procurements that are exempt pursuant to

paragraph two of subdivision q of this section, shall submit an agency utilization plan for the fiscal year commencing in July of the year when such plan is to be submitted to the commissioner. Upon approval by the commissioner such plan shall be submitted to the speaker of the council. Each such plan shall, at a minimum, include the following:

(5) The commissioner, in consultation with the city chief procurement officer, shall, no later than [July 31] *June 30* of each year, publish on the division's website a plan and schedule for each agency detailing the anticipated contracting actions for the upcoming fiscal year that form the basis for the agency utilization plan of each such agency. The plan and schedule shall include information specific to each prospective invitation for bids, request for proposal, or other solicitation, including, but not limited to, the specific type and scale of the services and/or goods to be procured, the term of the proposed contract, the method of solicitation the agency intends to utilize, and the anticipated fiscal year quarter of the planned solicitation.

§ 3. Paragraph 2 of subdivision g of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, is amended to read as follows:

(2) An agency utilization plan shall set forth specific participation goals for MBEs, WBEs and/or EBEs for purchases of professional services, standard services, construction and goods [valued at or below twenty thousand dollars, and for purchases of professional services, standard services, construction and goods valued at or below one hundred thousand dollars]. When setting its goals for such purchases, in addition to the factors set forth in paragraph (1) of this subdivision, each agency shall specifically consider the potential for such purchases to provide opportunities for MBEs, WBEs and EBEs to develop greater capacity, thereby increasing competition for city procurements.

§ 4. Paragraph 3 of subdivision 1 of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, is amended to read as follows:

(3) If an agency that has submitted an agency utilization plan pursuant to subdivision g of this section fails to achieve its utilization goal, the agency head shall prepare and submit to the director, the commissioner, the city chief procurement officer, and the speaker of the council by [October first] *January 31* a performance improvement plan which shall describe in detail the efforts such agency intends to undertake to increase M/WBE participation.

§ 5. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 14, 2016 and approved by the Mayor on September 28, 2016

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 118 of 2016, Council Int. No. 1020-A of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel