

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 77

Introduced by Council Members Cumbo, Cornegy, Rosenthal, Menchaca, Gentile, Kallos and Barron.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the creation of a subcontractor resource guide

Be it enacted by the Council as follows:

Section 1. Title 6 of the administrative code of the city of New York is amended to add a new section 6-142 to read as follows:

§ 6-142 Subcontractor resource guide a. For purposes of this section, the following terms shall have the following meanings:

“Contracting agency” means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

“Contractor” means a person or entity who is a party to a contract with a contracting agency valued in excess of \$100,000.

“Subcontractor” means a person or entity who is a party or a proposed party to a contract with a contractor valued in excess of \$100,000.

“Department” means the department of small business services.

b. The department, in consultation with the city chief procurement officer, shall develop and make available to all contracting agencies a subcontractor resource guide. Such resource guide shall be in the form of a written document, using plain and simple language, which provides subcontractors with key information on city contracting. Such resource guide may include, but not be limited to, information about the rights of subcontractors with respect to payment by the contractor, available city services to assist subcontractors, and contact information for relevant city agencies. The department shall coordinate with the city chief procurement officer to update such resource guide as necessary and make such resource guide available on the website of the department.

c. Each contracting agency shall provide a link to the subcontractor resource guide published on the department's website, as appropriate.

d. The subcontractor resource guide shall serve as an informational document only and nothing in this section or in such document shall be construed to create a cause of action or privity of contract between the agency and the subcontractor, or to constitute a defense in any legal, administrative or other proceeding.

e. Nothing in this section shall be construed to limit an agency's authority to cancel or terminate a contract, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity pre-qualification, or otherwise deny a contractor city business.

§2. This local law takes effect 180 days after it becomes law.

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 December 19, 2017 and returned unsigned by the Mayor on January 22, 2018.

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. 77 of 2018, Council Int. No. 1615-A of 2017) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.