Int. No. 1952

By Council Members Gibson, Treyger, Lander, Brannan, Rosenthal, Kallos, Louis, Richards, Rose, Moya, Chin, Koo, Ampry-Samuel, Ayala and Adams

..Title

A Local Law in relation to the creation of a database to track the expenditure of funds in connection with COVID-19

..Body

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

City. The term “city” means the city of New York.

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

COVID-19 funded projects. The term “COVID-19 funded projects" means any services, goods or materials, programs or construction paid for, in whole or in part, with any COVID-19 funds.

COVID-19 funds. The term “COVID-19 funds” means any federal, state or local funds allocated to any city department to provide assistance for preventing COVID-19 spread among the population, containing or treating COVID-19 or mitigating the effects of COVID-19 that are administered or disbursed by the city and provided to a recipient in an amount exceeding $100,000.

Recipient. The term “recipient” means any person or entity, including any individual, sole proprietorship, public authority, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded COVID-19 funds.

§ 2. No later than 90 days following the effective date of this local law, the mayor shall establish and maintain a public online searchable and interactive database on the website of the city that shall include summaries of the administration of COVID-19 funds as set forth in this local law. The data included in such database shall be available in a format that permits automated processing and shall be available without any registration requirement, license requirement or restrictions on their use, provided that the city may require a third party providing to the public any data from such database, or any application utilizing such data, to explicitly identify the source and version of the data, and a description of any modifications made to such data. The database shall include but not be limited to the following information, which shall be disaggregated by federal, state and local COVID-19 funds, and, for federal funds, by the source of such funds:

a. For each executed city procurement contract associated with COVID-19 funding, the name of the contract vendor, contract identification number, purpose of the contract, original contract value in dollars, revised contract value in dollars, if applicable, method of award, original contract start and end date, revised contract end date, if applicable, contract status and information on the contract recipient's qualification for receipt of COVID-19 funds for a COVID-19 funded project;

b. For each grant or loan issuance associated with COVID-19 funding, the recipient name, the recipient’s zip code, grant or loan name, the purpose of the grant or loan, the grant or loan award amount, whether the grant or loan was subject to a selective award process and the nature of that process, award status and information on the grant or loan recipient's qualification for receipt of COVID-19 funds for a COVID-19 funded project; and

c. For each contract, grant or loan reported pursuant to subdivisions a and b of this section, the amount of COVID-19 funds spent by the contract vendor or recipient.

§ 3. Notwithstanding the provisions of this local law, the website required pursuant to this local law shall not be used to distribute information which, if disclosed, would jeopardize compliance with local, state or federal law, threaten public health, welfare, or safety, or harm the competitive economic position of a party.

§ 4. The public online database prescribed in section 2 of this local law shall be updated on a monthly basis.

§ 5. This local law shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this local law shall not result in liability for the city. The city shall not be deemed to warranty the completeness, accuracy, content or fitness for any particular purpose or use of any information provided by the city pursuant to this local law, including but not limited to information provided to the city by a third party or information provided by the city that is based upon information provided by a third party.

§ 6. This local law shall not require reporting on any contracts entered into prior to the effective date of this local law where the reporting requirements of this local law would require collecting information that is not available to the city, and cannot reasonably be obtained by the city.

§ 7. If any provision of this local law or the application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not effect, impair or invalidate the remainder of this local law.

§ 8. Data maintained pursuant to this local law shall also be subject to chapter 5 of title 23 of the administrative code, where such chapter is otherwise applicable.

§ 9. This local law takes effect immediately.

NAB

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