



Legislation Details (With Text)

**File #:** Res 1208-2012      **Version:** \*      **Name:** Make the NYC Dept of Education’s purchasing decisions more transparent and the Department more accountable to NYC residents.

**Type:** Resolution      **Status:** Filed

**In control:** Committee on Contracts

**On agenda:** 2/1/2012

**Enactment date:**      **Enactment #:**

**Title:** Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would make the New York City Department of Education’s purchasing decisions more transparent and the Department more accountable to New York City residents by requiring that the New York City Department of Education abide by all the procurement provisions in Section 312(a) of the New York City Charter.

**Sponsors:** Darlene Mealy, Gale A. Brewer, Lewis A. Fidler, Robert Jackson, Letitia James, G. Oliver Koppell, Stephen T. Levin, Melissa Mark-Viverito, Rosie Mendez, Albert Vann, Jumaane D. Williams, Ruben Wills, Daniel J. Halloran III

**Indexes:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/1/2012	*	City Council	Introduced by Council	
2/1/2012	*	City Council	Referred to Comm by Council	
12/31/2013	*	City Council	Filed (End of Session)	

Res. No. 1208

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would make the New York City Department of Education’s purchasing decisions more transparent and the Department more accountable to New York City residents by requiring that the New York City Department of Education abide by all the procurement provisions in Section 312(a) of the New York City Charter.

By Council Members Mealy, Brewer, Fidler, Jackson, James, Koppell, Levin, Mark-Viverito, Mendez, Vann, Williams, Wills and Halloran

Whereas, In Fiscal Year 2012 the New York City Department of Education's procurement budget is set at approximately \$4.5 billion; and

Whereas, A large portion of this procurement budget will be spent on professional and standard services; and

Whereas, In 1994 the New York City Council passed Local Law 35, which amended the New York City

Charter to include Section 312(a), which requires that mayoral agencies complete cost/benefit comparisons when outsourcing City work in cases where such outsourcing causes the displacement of City workers; and

Whereas, Local Law 35's purpose is ensuring that: (i) New York City taxpayer dollars are spent as efficiently and effectively as possible; and (ii) City agencies are held accountable for their spending decisions; the law does this by requiring that the cost/benefit analyses be submitted to the New York City Council; and

Whereas, After it was determined that no such analyses had been completed under the Bloomberg Administration, in 2011 the New York City Council strengthened this law to ensure that City agencies completed cost/benefit analyses on a more frequent basis; and

Whereas, At that time the law was also amended to require City agencies to publish an annual procurement plan of all anticipated major procurements at the beginning of each fiscal year; this annual procurement plan will allow municipal unions a chance to bid on this work, and give private vendors more time to complete their bids, thereby increasing competition for City contracts; and

Whereas, Although the New York City Department of Education is required to publish an annual procurement plan under the amended law, under current New York State law the Council cannot condition its ability to enter contracts on the completion of cost benefit analyses, despite the fact that the Department of Education receives a majority of its funding from the City of New York; and

Whereas, This hinders the Council's ability to have proper oversight over New York City's budget and to ensure that New York City taxpayer dollars are wisely spent; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would make the New York City Department of Education's purchasing decisions more transparent and the Department more accountable to New York City residents by requiring that the New York City Department of Education abide by all the procurement provisions in Section 312(a) of the New York City Charter.

AM  
LS #2974

01/04/2012