Legislation Details (With Text)

File #:	Int 1952-2020 **Version:** A	**Name:**	Creation of a database to track the expenditure of funds in connection with COVID-19, and to provide for the repeal thereof.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Finance
On agenda:	5/28/2020		
Enactment date:	7/26/2020	**Enactment #:**	2020/076

Title: A Local Law to amend the administrative code of the city of New York, in relation to the creation of a database to track the expenditure of funds in connection with COVID-19, and to provide for the repeal thereof

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Indexes: Sunset Date Applies

Attachments: 1. Summary of Int. No. 1952-A, 2. Summary of Int. No. 1952, 3. Int. No. 1952, 4. May 28, 2020 - Stated Meeting Agenda with Links to Files, 5. Hearing Transcript - Stated Meeting 5-28-20, 6. Minutes of the Stated Meeting - May 28, 2020, 7. Committee Report 6/10/20, 8. Hearing Testimony 6/10/20, 9. Hearing Testimony 6/10/20 (Con't), 10. Hearing Transcript 6/10/20, 11. Proposed Int. No. 1952-A - 6/24/20, 12. Committee Report 6/25/20, 13. Hearing Transcript 6/25/20, 14. June 25, 2020 - Stated Meeting Agenda with Links to Files, 15. Hearing Transcript - Stated Meeting 6-25-20, 16. Minutes of the Stated Meeting - June 25, 2020, 17. Int. No. 1952-A (FINAL), 18. Fiscal Impact Statement, 19. Legislative Documents - Letter to the Mayor, 20. Local Law 76

Date	Ver.	Action By	Action	Result
5/28/2020	*	City Council	Introduced by Council	
5/28/2020	*	City Council	Referred to Comm by Council	
6/10/2020	*	Committee on Finance	Hearing Held by Committee	
6/10/2020	*	Committee on Finance	Laid Over by Committee	
6/25/2020	*	Committee on Finance	Hearing Held by Committee	
6/25/2020	*	Committee on Finance	Amendment Proposed by Comm	
6/25/2020	*	Committee on Finance	Amended by Committee	
6/25/2020	A	Committee on Finance	Approved by Committee	Pass
6/25/2020	A	City Council	Approved by Council	Pass
6/25/2020	A	City Council	Sent to Mayor by Council	
7/26/2020	A	Administration	City Charter Rule Adopted	
7/27/2020	A	City Council	Returned Unsigned by Mayor	

Int. No. 1952-A

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

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a database to track the expenditure of funds in connection with COVID-19, and to provide for the repeal thereof

Be it enacted by the Council as follows:

Section 1. Section 6-138 of the administrative code of the city of New York, relating to reporting on the expenditure of hurricane Sandy funds, as added by local law number 140 for the year 2013, is renumbered section 6-143.

§ 2. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-144 to read as follow:

a. Definitions. For purposes of this section, the following terms have the following meanings:

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

COVID-19 expenditure. The term "COVID-19 expenditure" means any expense or capital expenditure by a city agency for services, goods or materials, programs or construction paid for, in whole or in part, with any COVID-19 funds, provided that such term shall only include personnel expenditures that are tracked as such for reimbursement.

COVID-19 funds. The term "COVID-19 funds" means any federal, state or local funds allocated to or expended by any city agency to provide assistance for responding to COVID-19, including, but not limited to, preventing the spread among the population, containing or treating COVID-19 or mitigating the direct or indirect effects of COVID-19.

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.

b. 1. 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 section. The data included in such database shall be available in a format that permits automated processing and is downloadable, 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, to the extent practicable, be disaggregated by federal, state and local COVID-19 funds, and, for federal funds, by the source of such funds:

(a) For each COVID-19 expense expenditure, where applicable, the administering agency, the unit of appropriation, the budget code, the amount submitted for reimbursement, the amount reimbursed and the source of reimbursement;

(b) For each COVID-19 capital expenditure, where applicable, the administering agency, the budget line, the project identification number, the project description, the amount submitted for reimbursement, the amount reimbursed and the source of reimbursement;

(c) For each executed city procurement contract funded in whole or in part by COVID-19 funds, the awarding agency, the unit of appropriation, the budget code, the name and address of the contractor and, if known, subcontractors, the contract identification number, the purpose of the contract, the original contract value in dollars and any applicable contract modification value in dollars, the contract award method, the contract type, the contract start and end date and any revised contract end date, the original contract registration date and the registration date of any applicable contract modification, the status of any contractor and, if known, subcontractor, as a minority and women-owned business enterprise, the contract status, to the extent practicable the amount spent to date on the contract and, if known, subcontracts, and information on the value of the contract and, if known, subcontracts, eligible for reimbursement from a COVID-19 funds award; and

(d) For each grant or loan issuance associated with COVID-19 funds, the awarding agency, the recipient name, the recipient’s zip code, the 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, the award status and information on the value of the grant or loan eligible for reimbursement from a COVID-19

funds award.

2. To the extent that the city is awarded funding from any federal appropriation related to COVID-19 that is not covered by paragraph 1 of subdivision b of this section, the database shall include the amount of such funds, disaggregated by source, and how such funds were allocated and expended by agency, unit of appropriation and budget code.

c. Notwithstanding any other provision of this section the database required by subdivision b of this section 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 recipient.

d. The database prescribed in subdivision b of this section shall be updated each quarter within 30 days of the end of such quarter.

e. This section shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this section 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 section, 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.

§ 3. Section 6-144 of the administrative code of the city of New York, as added by section two of 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.

§ 4. If any provision of section 6-144 of the administrative code of the city of New York, as added by section two 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 such section.

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§ 5. Data maintained pursuant to section 6-144 of the administrative code of the city of New York, as added by section two of this local law, shall also be subject to chapter 5 of title 23 of such administrative code, where such chapter is otherwise applicable.

§ 6. This local law shall take effect 90 days after it becomes law, provided, however, that mayor may take such actions as are necessary for its implementation prior to such effective date, and provided further that sections two through five of this local law shall expire and be deemed repealed 5 years after it becomes law.

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