



Legislation Text

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Int. No. 109-B

By The Speaker (Council Member Miller) and Council Members Addabbo, Brewer, Clarke, De Blasio, Jackson, Koppell, Martinez, Monserrate, Nelson, Quinn, Reyna, Serrano, Stewart, Gerson, Fidler, Gennaro, Lopez, Jennings, Avella, Moskowitz, Gentile and Weprin; also Council Members Sanders and Yassky

A Local Law to amend the administrative code of the city of New York, in relation to the purchase of re-refined motor oil by city agencies for use in city vehicles.

Be it enacted by the Council as follows:

Section one. Chapter one of title six of the administrative code of the city of New York is hereby amended to add a new section 6-128 to read as follows:

§6-128. Purchase of re-refined motor oil. a. For purposes of this section only, the following terms shall have the following meanings:

(1) "Base stock" means the portion of motor oil that does not consist of additives.

(2) "Contract" means any written agreement, purchase order or instrument whereby the city is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing.

(3) "Contracting agency" means any office, department, administration, authority, division, bureau, board, commission, corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(4) "Emergency vehicle" means any vehicle operated by the police department or the fire department.

(5) "Reasonably competitive" means that the cost of the re-refined motor oil does not exceed a cost premium of three percent above the cost of a comparable product that is not re-refined motor oil.

(6) "Re-refined motor oil" means motor oil that contains a base stock consisting of re-

refined oil.

(7) "Re-refined oil" means oil from which physical and chemical contaminants acquired through use have been removed.

b. Except as otherwise provided in this section, when purchasing motor oil, a contracting agency shall, whenever the price is reasonably competitive, purchase motor oil that is licensed by the American Petroleum Institute and (i) contains a base stock of at least seventy percent re-refined oil or (ii) contains a base stock of at least fifty percent re-refined oil if motor oil that contains a base stock of at least seventy percent re-refined oil is not available in sufficient quantities.

c. A contracting agency shall make best efforts when entering into a contract for vehicle maintenance, where motor oil is used to perform the contractor's obligations under the contract, to ensure that the contractor uses motor oil that is licensed by the American Petroleum Institute and contains a base stock with the highest content of re-refined oil available for the grade of motor oil used, provided that such efforts do not impede such agency's ability to obtain the highest quality service at the lowest possible price through a competitive procurement.

d. This section shall not apply to any contract entered into prior to the effective date of this section, except that the renewal of such contract occurring on or after the effective date shall be subject to the provisions of this section.

e. This section shall not apply:

(1) to purchases where federal or state funding restrictions preclude the city from imposing the requirements of this section;

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter;

(3) to the purchase or use of motor oil for emergency vehicles; or

(4) where applicable warranties include conditions that specifically require the use of a lubricant other than re-refined motor oil, except that this exception shall not apply to warranties that merely recommend the use of a lubricant other than re-refined motor oil.

f. A contracting agency may enter into a contract for the purchase of motor oil other than re-refined motor oil, provided that the purchase of such motor oil is consistent with such agency's ability to obtain the highest quality product at the lowest possible price through a competitive procurement (i) in circumstances in which the requirements of this section do not apply pursuant to subdivision e; (ii) in accordance with subdivision g; or (iii) to supplement the supply of re-refined motor oil where the contracting agency has made a finding and reported to the speaker of the council that motor oil that is licensed by the American Petroleum Institute and contains a base stock of at least fifty percent re-refined oil is not available in sufficient quantities to meet the needs of such agency.

g. A contracting agency may enter into a contract for the purchase of synthetic motor oil that is licensed by the American Petroleum Institute and contains a base stock derived in the aggregate from no more than thirty percent of Group I, Group II and Group III base stock categories, as designated by the American Petroleum Institute, provided that the use of such motor oil permits extended drain intervals and that the purchase of such motor oil is consistent with such agency's ability to obtain the highest quality product at the lowest possible price through a competitive procurement.

§2. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect ninety days after its enactment, except that the commissioner of citywide administrative services shall take all actions necessary, including the promulgation of rules, to

implement this local law on or before the date upon which it shall take effect.

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3/17/03 3:00 p.m.