



Legislation Text

File #: Int 0664-2022, Version: *

Int. No. 664

By Council Members Gutiérrez, Louis, Restler, Hanif, Hudson, Brewer, Ung and Sanchez

A Local Law in relation to requiring the department of citywide administrative services to donate surplus city-owned computers, computer software, and computer equipment to public and private institutions for secular educational use and to not-for-profit institutions for use by individuals with disabilities, senior citizens, or low income individuals

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-212 to read as follows:

§ 12-212 Donation of surplus computing equipment and software. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Beneficial use. The term “beneficial use” means the use of computer software and computer equipment for secular educational use, or for use by individuals with disabilities, senior citizens, or low income individuals.

City agency. The term “city agency” means any agency, office, department, division, bureau or institution, of the New York city government, the expenses of which are paid in whole or in part from the city treasury.

Computer. The term “computer” means a desktop computing device, a laptop or other portal computing device, containing a central processing unit and any peripheral components that are connected to the central processing unit such that they may reasonably be viewed functionally as a single unit, including but not limited to motherboards, RAM, hard drives or other storage devices, video or sound cards, and computer cases.

Commissioner. The term “commissioner” means the commissioner of the department of citywide

administrative services.

Department. The term “department” means the department of citywide administrative services.

Donate. The term “donate” means transferring surplus software or equipment to an eligible organization without cost except that the department may charge reasonable shipping and handling fees for the delivery of such software and equipment.

Eligible organization. The term “eligible organization” means public schools, public libraries, and other public or private educational programs that provide a secular education, not-for-profit institutions which serve persons with disabilities, senior citizens, or low income individuals, and other public facing not-for-profit institutions which serve marginalized groups.

Equipment. The term “equipment” means computers and their associated peripheral components, and other electronic devices that operate with or can be operated by a computer, including but not limited to floppy disk drives, CD drives, USB drives, printers, modems, networking devices, scanners, monitors, and the cables or wiring required to connect a computer with the computer equipment.

Software. The term “software” means executable computer programs and related data files on computer-readable media, including but not limited to floppy disks, hard disks, optical and magneto-optical computer data storage devices.

Surplus. The term “surplus” means computer software or computer equipment that is no longer in use, and not needed for use, by any city agency.

b. The commissioner shall set out by a rule a process through which the department shall donate surplus software and equipment to eligible organizations for beneficial uses. The process shall include, at a minimum:

1. Public notification of the department’s intent to donate surplus software and equipment, a description of such surplus software and equipment, and the total shipping and handling fees, if any, for the delivery of such software and equipment; and

2. opportunity for eligible organizations to submit competitive proposals for the beneficial use of such

software and equipment.

c. The department shall not donate surplus software and equipment to an eligible organization unless such eligible organization has demonstrated a need and specific plans for the beneficial use of such surplus software and equipment. If multiple eligible organizations demonstrate a need and specific plan for the beneficial use of the same surplus software and equipment, the department shall donate such software and equipment to the eligible organization whose need and beneficial use of such software and equipment will result in the greatest public good according to such factors to be set out by rule which shall include, but are not limited to:

1. whether the beneficial use of such software and equipment will provide or facilitate services to the public for low or no cost;

2. whether the beneficial use of such software and equipment will serve marginalized communities or other communities which are under-serviced or have difficulty receiving services;

3. whether the eligible organization has received a donation of surplus software and equipment in the past and has satisfactorily utilized such software and equipment to fulfill the beneficial use for which it was donated; and

4. whether the eligible organizations claiming a need for such software and equipment has a smaller operating budget than other eligible organizations claiming such a need.

d. Notwithstanding subdivision c of this section, if surplus equipment is in need of repair or restoration, the department shall prioritize the donation of such equipment to an eligible organization, if any, which offers to use the repair or restoration of such equipment in the training of its students, to be returned to the department upon repair or restoration to then be donated by the department to an eligible organization through the process established in subdivision b above.

e. The department shall not auction off nor dispose of surplus software or equipment unless no eligible organization has responded to the public notification process with a need and specific plan for the beneficial use

of such surplus software and equipment over the course of one year.

f. No software shall be donated, auctioned, or otherwise have its ownership transferred if such transfer would cause a breach of a computer software license agreement or an infringement of a copyright.

g. No later than one year after the effective date of this local law, and annually thereafter, the department shall submit to the mayor and the speaker of the council a report on its donations of surplus software and equipment, including a list of each donation made in the year leading up to the report, the number and type of surplus software and equipment comprising each donation, the estimated free market value of each donation, the identity and location of the recipient of the donation, the need and specific plan the donation was made to satisfy, and if multiple eligible organizations submitted a need and specific plan for such surplus software and equipment, the needs and specific plans of all such competing eligible organizations and the factors that weighed in favor of the eligible organization that received the donation. The report shall be disaggregated by the borough of each donation recipient and by any other factors that may be appropriate.

§ 2. This local law shall take effect immediately after it becomes law.

Session 12
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LS #9153
8/23/2022 5:33pm