File #: Int 0002-2026, **Version:** B

Int. No. 2-B

By The Speaker (Council Member Menin) and Council Members Wong, Louis, Lee, Salaam, Brewer, Brooks-Powers and Ariola

A Local Law to amend the New York city charter, in relation to approval for emergency procurements and submission of contracts for audit

Be it enacted by the Council as follows:

Section 1. Section 315 of the New York city charter, as amended by local law number 135 for the year 2013, is amended to read as follows:

§ 315. Emergency procurement. Notwithstanding the provisions of section three hundred twelve of this chapter, in the case of unforeseen danger to life, safety, property or a necessary service, an emergency procurement may be made with the prior approval of the comptroller and corporation counsel, provided that such procurement shall be made with such competition as is practicable under the circumstances, consistent with the provisions of section three hundred seventeen of this chapter. The term of any emergency contract awarded pursuant to this section shall not exceed ninety days, except with the prior specific determination of the comptroller and the corporation counsel that a longer term is necessary to avoid or mitigate serious danger to life, safety, property, or a necessary service and that such danger cannot be successfully avoided or mitigated through normal procurement methods. A written determination of the basis for the emergency[and], the selection of the contractor, and the term of the contract, including a justification for any term exceeding ninety days and why such longer term meets the requirements of this section, shall be placed in the agency contract file, and shall further be submitted to the council no later than fifteen days following contract award, and the determination or summary of such determination shall be included in the notice of the award of contract

published pursuant to section three hundred twenty-five of this chapter.

§ 2. Paragraph (1) of subdivision d of section 328 of the New York city charter, as added by a vote of the electors at a general election held on November 7, 1989, is amended to read as follows:

(1) an emergency contract awarded pursuant to section three hundred fifteen or to an accelerated procurement as defined under section three hundred twenty-six, provided that the agency shall, [as soon as is practicable,] within fifteen days of the execution of any such contract, submit [any] such contract to the comptroller for an audit of the procedures and basis for the determination of the need for an emergency or accelerated procurement, and provided that failure by an agency to submit a contract within fifteen days of execution shall not affect the validity of such contract, or

§ 3. This local law takes effect 45 days after it becomes law, provided that section one of this local law shall apply only to an emergency procurement approved by the comptroller and the corporation counsel after such date.

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