

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONTRACTS

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September 12, 2019

Start: 10:24 a.m.

Recess: 10:30 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E: BEN KALLOS
Chairperson

COUNCIL MEMBERS: Inez D. Barron
Bill Perkins
Helen K. Rosenthal
Kalman Yeger

A P P E A R A N C E S (CONTINUED)

2 [background comments] [pause]

3 CHAIRPERSON KALLOS: Good morning and
4 welcome to the Contracts Committee of the New York
5 City Council. I'm Council Member Ben Kallos. I have
6 the privilege of chairing this Contract Committee. If
7 you're watching at home or via live the stream, feel
8 free to participate by Tweeting me at Ben Kallos. I'd
9 like to extend my thanks to Council Members Rose and
10 Cornegy for their continued support of the MWBE
11 community, Minority and Women Business-Owned Business
12 Enterprises. These are terms of art from decades ago
13 that refer to businesses owned by women, and people
14 of color, which are specifically defined in the
15 Statute, and they are the prime sponsors of
16 legislation before this committee today. The Council
17 has long supported the city Minority and Women Owned
18 Businesses through its various MWBE initiatives. The
19 Council has assisted MBBEs in expanding their role in
20 both city procurement and the private sector. Both
21 Intros before the committee today are designed to
22 improve access to city procurement for MWBE vendors
23 through the creation of several recommendations
24 offered in a most recent citywide disparities study.
25 In order for the city to offer and MWBE program that

2 provides preferences based on race or gender, it
3 needs to provide a disparity study that is conducted
4 regularly that measures how many vendors are
5 available with in each group of people of color as
6 well as gender, and measures whether or not they have
7 an appropriate market share for how many that offer.
8 When a specific group receives fewer contracts from
9 the city or subcontracts from the at—from the city,
10 than there are in the community, that is considered a
11 disparity. The disparity level that receives
12 protection is .8. Proposed Introduction 1293-B
13 sponsored by Council Member Debi Rose and myself
14 would amend the definition of minority group for the
15 purposes of the city's MWBE program to include Native
16 Americans in all covered procurement categories, and
17 place Asian Americans who provide professional
18 services back into the system who have been
19 previously removed in 2012 after they had reached a
20 disparity of less-of greater than .8. This is--is
21 not necessarily a positive vocation. The purpose of
22 this program is to help lift people up so that they
23 no long need these supports. It's the right thing to
24 do, but it is slightly disappointing if not gravely
25 disappointing that to—to see a group have to be re-

2 added to receive the protections and assistance of
3 the MWBE program. With regards to the Native
4 American population, they now enough vendors who are
5 providing that there could be a disparity, which also
6 speaks to centuries and centuries of improper actions
7 by this nation. Both of the bills before the
8 committee today are designed to improve access to
9 city procurement from the vendors to the condition-
10 clarification of several recommendations from the
11 most study. Introduction-sorry. Introduction 1452-A
12 Sponsored by Council Member Cornegy would improve
13 agency performance in meeting MWBE contact
14 participation goals. The bill would require the
15 city's Chief Procurement Officer in conjunction with
16 the Mayor's Office of Minority and Women Owned
17 Businesses to more frequently update operational
18 protocols for the city's MWBE program plus facilitate
19 additional agency and contractor training of MWBE
20 program and implementation. The bill would also
21 empower agency chief contracting officers to require
22 contracts in agencies to identify MWBEs that those
23 agencies intend to employ for certain contacts.
24 Finally, the bill would enable the Chief Procurement
25 Officer to exempt part-to exempt portions of certain

2 contacts from the MWBE Program in instances where
3 the—after an exhaustive search by contracting agency,
4 it is determined that there are no eligible MWBE
5 firms eligible to reform the work today. I want to
6 thank the South Asian-American Association and
7 professionals associated with that association for
8 coming out and advocating in behalf of this
9 legislation. I wholeheartedly support both pieces of
10 legislation before the Committee today and believe
11 that the pair of bills can help overcome some of the
12 administration roadblocks in its efforts to achieve a
13 30% MWBE utilization in city contracts. For these
14 reasons I will be voting in favor of both bills, and
15 urge my fellow committee members to do the same.

16 Before I call the roll, I'd like to thank that
17 Contracts Committee staff Legislative Counsel Alex
18 Paulenoff; Policy Analyst Casey Addison; Finance
19 Analyst Andrew Wilbur and Finance Unit Head John
20 Russell. They worked with me in doing a lot of
21 historical research, and actually pulling the 2012
22 Disparity Study, if anyone is ever interested in
23 reading it. I also want to thank my Chief of Staff
24 Jessie Talson (sp?) and my not so not known (sic)
25 Legislative Director Wilfreda Lopez for all their

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2 hard work in preparing for this vote. On that note,
3 I'd like to ask the clerk to call the roll.

4 CLERK: William Martin, Committee Clerk,
5 roll call vote Committee on Contracts. The items are
6 coupled. Chair Kallos.

7 CHAIRPERSON KALLOS: Aye on all

8 CLERK: Barron.

9 COUNCIL MEMBER BARRON: I vote aye.

10 CLERK: Perkins.

11 COUNCIL MEMBER PERKINS: I vote aye on
12 all, and I'd like also to have my name associated
13 with both bills.

14 CLERK: Yeger.

15 COUNCIL MEMBER YEGER: I vote aye on
16 Intro 1452. I vote not on Intro 1293.

17 CLERK: 1452 is adopted by the Committee
18 4 in the affirmative, 0 in the negative and no
19 abstentions and Introduction 1293 is adopted by the
20 committee three in 3 in the affirmative, 1 in the
21 negative and no abstentions.

22 COUNCIL MEMBER KALLOS: This committee
23 hearing is now adjourned. [gavel]

24 [background comments]

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2 COUNCIL MEMBER KALLOS: I hereby reopen
3 the Committee on contracts for September 12, 2019.

4 CLERK: Introductions 1293-B and 1452-A.
5 Council Member Rosenthal.

6 COUNCIL MEMBER ROSENTHAL: I vote aye
7 with gratitude to the Chair.

8 CLERK: The final vote, Intro 1452-A is
9 now adopted by 5 in the affirmative, 0 in the
10 negative and no abstentions and 1293-B is now adopted
11 4 in the affirmative, 1 in the negative and no
12 abstentions.

13 CHAIRPERSON KALLOS: I hereby finally
14 adjourn. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 16, 2019