

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FINANCE

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January 23, 2012  
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HELD AT: Council Chambers  
City Hall

B E F O R E: DOMENIC M. RECCHIA, JR.  
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer  
Leroy G. Comrie, Jr.  
Lewis A. Fidler  
Helen D. Foster  
Robert Jackson  
G. Oliver Koppell  
Darlene Mealy  
Diana Reyna  
Joel Rivera  
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Fernando Cabrera  
Julissa Ferreras  
Karen Koslowitz

## A P P E A R A N C E S

## COUNCIL MEMBERS:

James G. Van Bramer

Vincent M. Ignizio

James S. Oddo

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

Marla Simpson

Director

NYC Mayor's Office of Contract Services

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2 CHAIRPERSON RECCHIA: Good morning.  
3 Welcome to today's Finance Committee meeting. My  
4 name is Domenic M. Recchia, Jr. I'm the chair of  
5 this wonderful committee. Before I introduce all  
6 my colleagues—I'll do that a little bit later—I  
7 want to thank everyone for joining us today early  
8 in the morning after a very, very great giant  
9 week. - - very happy. We'll get over the snow.  
10 I want to thank my wonderful Finance staff, under  
11 the leadership of director, Preston Niblack;  
12 Jeffrey Rodus [phonetic], first deputy; Tanisha  
13 Edwards, the wonderful attorney; my staff,  
14 Michaela and Elizabeth. We got everybody?  
15 Darlene's staff. What's your name? Vincent  
16 James. Alright. Vincent James. Today we only  
17 have one item on our agenda. We have a  
18 legislation that relates to the contractor  
19 transparency, which is sponsored by my colleague  
20 and fellow Finance member, Council Member Darlene  
21 Mealy. If you remember around this time last  
22 year, the city experienced a massive snow storm.  
23 As a result of the snow storm, streets were  
24 difficult to drive through and bus shelters went  
25 unplowed for days. The public initially thought

1  
2 it was the city that failed to properly plow the  
3 bus shelters; however, I found out that the city  
4 itself was not responsible, but rather a company  
5 named Samusa [phonetic] that the city contracted  
6 with the clear snow around the bus shelters.

7 Finding out the contractual responsibilities of  
8 Samusa was not easy. My staff and I combed  
9 through over 1500 pages of the Samusa contract to  
10 discover that not only was Samusa obligated to  
11 clear snow around the bus shelters, but also the  
12 sanitation department was spending hundreds of  
13 thousands of dollars to hire people to do work  
14 that Samusa was already required to do so. This  
15 is why we are here today. The lack of clear,  
16 concise and meaningful information available to  
17 the public regarding contracts between city  
18 agencies and vendors, not only - - the public  
19 knowledge about the type of services that the city  
20 contracts for, but also impairs the Council from  
21 fully exercising its duties and responsibility  
22 under the New York City Charter with respect to  
23 the contract budget. In Speaker Quinn's 2011  
24 State of the City address, the emphasis was that  
25 fully exercised the Council's role in the contract

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2 budget process requires great transparency of the  
3 procurement process, and she rather emphasized  
4 that given the scope of the city procurement and  
5 the reliance on contracts for goods and services  
6 in many areas of the budget, the Council and the  
7 public need and deserve easier access to  
8 information about city contracts and their terms  
9 than is currently available. Today's legislation  
10 Proposed Intro 729-A would require the posting of  
11 material terms of contracts entered into by the  
12 city on a newly created public online searchable  
13 database that will be established by the mayor.  
14 The purpose of the legislation is to allow easy  
15 public access to contract information and present  
16 such information in a way that allows the public  
17 at large to understand the services contracted by  
18 the city. I applaud Council Member Mealy for  
19 introducing this legislation. I'd also like to  
20 thank my wonderful staff as I mentioned before for  
21 all of their hard work. Marla Simpson [phonetic]  
22 from the Mayor's Office of Contract Services and  
23 her entire staff was here today. We want to thank  
24 them. It's been a pleasure working for you.

25 Today's hearing will discuss this

1  
2 proposed Intro 729-A and determine whether the  
3 provisions of the bill reflect the Council's  
4 intent. So, Ms. Simpson, I want to thank you.  
5 You can testify.

6 MARLA SIMPSON: Good morning.  
7 Thank you, Mr. Chairman. I'm Marla Simpson from  
8 the Mayor's Office of Contract Services, and on  
9 behalf of Mayor Bloomberg, I appreciate the  
10 opportunity to testify on this important topic of  
11 contract transparency. The Administration  
12 supports Intro 729-A. We thank Speaker Quinn, Mr.  
13 Chairman yourself, and the Council staff for  
14 working with us on this bill as we strive together  
15 to make New York City the most accountable,  
16 accessible and responsive city government in the  
17 country.

18 In fiscal 2011, New York City  
19 procured almost \$15 billion worth of supplies,  
20 services and construction work through more than  
21 55,000 contracts and related agreements.  
22 Procurement is an essential tool that helps us  
23 serve the public and accomplish critical  
24 governmental functions. Agencies procure  
25 everything from the trucks that sweep and salt the

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2 streets to designs for new firehouses and from  
3 biodiesel fuel to nonprofit service providers who  
4 work in communities throughout the city. We are  
5 one of the largest contracting jurisdictions in  
6 the nation. We've invested in core services,  
7 infrastructure, waste management, economic  
8 development and programs for New Yorkers in need.  
9 Under the mayor's leadership, we've also improved  
10 our process to make it more efficient and  
11 accountable. Intro 729-A takes us another step in  
12 that direction. The financial management system  
13 or FMS is our financial and accounting database.  
14 All city agencies use FMS to record every  
15 financial transaction in city government,  
16 including budget, payroll, capital assets,  
17 contract registration, invoicing and payment.  
18 Given the scale of our financial operation, FMS is  
19 a very complex system. Our challenge as we  
20 implement 729-A will be to make the information  
21 about the city's contracts, most of which is  
22 already contained in FMS, more transparent and  
23 understandable to the public. This legislation  
24 expands upon efforts that have occurred throughout  
25 city government, expanding the public's access to



1  
2 key financial information. The Council has posted  
3 its discretionary award database on the web,  
4 listing all the nonprofits that it funds, as well  
5 as those that seek funding. My office posts  
6 detailed data compilations on our website, which  
7 range from an annual procurement indicator report,  
8 which now has downloadable data appendices to  
9 annual plans for human services, programs,  
10 construction projects and concessions. We also  
11 post the publically searchable doing business  
12 database, which was established under Local Law 34  
13 to address the so called pay to play issues. The  
14 comptroller has also posted two useful public  
15 databases, Clearview, which tracks contract  
16 registrations and Checkbook, which tracks the  
17 city's payments to vendors and other outside  
18 entities. With Intro 729-A, we can take this  
19 effort to the next level. MOCS has been working  
20 with DUIT [phonetic] on a new application that  
21 builds on our doing business database. Our new  
22 application, which would be web posted and fully  
23 searchable already includes much of the  
24 information that is described in Intro 729-A. We  
25 are committed to ensuring that it provides the

1  
2 full range of data that's in the bill as soon as  
3 possible. As part of that effort, we will  
4 undertake a city-wide training program to ensure  
5 that the descriptive information that we find in  
6 FMS and that we draw into this new application is  
7 complete, accurate and understandable. We look  
8 forward to completing the application development  
9 work soon. An efficient, fair and transparent  
10 procurement system is vital to city government,  
11 especially in these challenging economic times.  
12 We must achieve best value for the taxpayer  
13 dollar, meaning that we must obtain high quality  
14 goods and services delivered to the city on a timely  
15 basis and at good prices from responsible business  
16 partners that we select through a process that  
17 ensures fairness to all. The transparency  
18 database established under this bill will empower  
19 all New Yorkers and will help us attain these  
20 important goals. I'm available to answer any  
21 questions the Committee may have. Thank you very  
22 much.

23 CHAIRPERSON RECCHIA: Thank you  
24 very much, Ms. Simpson. We've been joined by  
25 Council Member Helen Diane Foster. So you know,

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2 when this whole thing happened with Samusa, we  
3 couldn't even find out where we get a copy of the  
4 contract. Will that database—that we're going to—  
5 will this law address that?

6 MARLA SIMPSON: Copies of the  
7 contracts are obviously available from the  
8 agencies and are also available from the  
9 comptroller, which maintains a public access  
10 database at their office. It is challenging  
11 because the contracts are often as you note very,  
12 very large. One of the initiatives independent  
13 from this bill that my office and the law  
14 department have been discussing in recent months  
15 would be an effort to post the city's standard  
16 terms and conditions in a web accessible location  
17 so that members of the public could see them  
18 partly as an effort not only increase  
19 transparency, but save trees. Our terms are often  
20 very lengthy and our standard appendices including  
21 for example insurance terms and all of the key  
22 elements of our contracts don't vary from contract  
23 to contract; they're pretty standardized. We  
24 believe it should be achievable for us to develop  
25 some text for the website that would explain to

1  
2 the public what they're looking at and then would  
3 allow us to post the terms that are common, that  
4 are on all or most of our contracts so that  
5 prospective vendors as well as members of the  
6 public could simply get a copy of them themselves.  
7 That's one option. The Samusa contract is a  
8 fairly unique animal. It is a franchise. It is  
9 not a procurement. There are a very limited  
10 number of franchises that the city has; that  
11 happens to be a very complicated one.

12 CHAIRPERSON RECCHIA: How many  
13 franchises does the city have about?

14 MARLA SIMPSON: A couple dozen I  
15 would think. I mean, the large ones are the cable  
16 television ones and the street furniture. I guess  
17 we have then quite a number in the like cell-phone  
18 and some of the DUIT applications, so I'd have to  
19 check. It's probably at most a hundred or so.

20 CHAIRPERSON RECCHIA: Okay. And  
21 when do you estimate the database to be up and  
22 running with all the categories specified in the...

23 MARLA SIMPSON: We're going to make  
24 an effort to get all or most of the information  
25 available as the bill requests on July 1<sup>st</sup>. There

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2 are one or two categories that are particularly  
3 challenging, and we will be on a fast track to get  
4 that development done. And the bill builds in two  
5 milestones for us to report progress to you.  
6 We're going to make it a priority to try to get it  
7 all there as soon as we can.

8 CHAIRPERSON RECCHIA: How often  
9 would the database be updated?

10 MARLA SIMPSON: The root data, FMS,  
11 is updated every day. We believe that the  
12 application since it—when we began developing it  
13 we structured it to be updated once a month. We  
14 think that that is probably where we'll be at  
15 least when we roll it out initially.

16 CHAIRPERSON RECCHIA: So once a  
17 month it will be updated?

18 MARLA SIMPSON: That's correct.  
19 That's what the doing business database does now,  
20 which is under Local Law 34, and much of the  
21 synthesis of the data that we're talking about is  
22 work that from an application development  
23 standpoint we had to do in order to make the pay  
24 to play law work, and so all of the different  
25 categories of data are assembled and cross checked

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2 already in that application, and that has a  
3 statutory updating requirement of once a month, so  
4 that's why it's built that way.

5 CHAIRPERSON RECCHIA: Does any of  
6 these categories of this bill make it complicating  
7 or—

8 MARLA SIMPSON: [Interposing] The  
9 most complicating category is the modification  
10 data. There are many, many--particularly on large  
11 contracts--there are many, many modifications. Not  
12 all of them--in fact, probably not a majority of  
13 them actually do the kinds of things that tend to  
14 attract attention. For example, the change orders  
15 that increase price. We have modifications that  
16 are done sometimes to decrease funding to move  
17 money around from one budget code to another;  
18 modifications that are done just to change--for  
19 example, if a vendor changes their insurance  
20 company. There are many, many modifications that  
21 occur in the life cycle of a contract, and sorting  
22 that particular part of FMS into something that's  
23 understandable is probably the hardest challenge  
24 in this bill.

25 CHAIRPERSON RECCHIA: And you're

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going to put all these modifications when they're made on the database?

MARLA SIMPSON: Well, they're in FMS, and under the bill they would be covered, and so we would be obligated to figure out some way to make them transparent. If there is any piece of the data that we are not finished with by July, it will probably be the modification data. It is the hardest piece for us to organize.

CHAIRPERSON RECCHIA: How often is the average contract modified?

MARLA SIMPSON: There is really probably no average because you have the very, very large contracts that cover ten year long construction projects and complicated human services projects and those are—I mean, it's not unusual for those contracts to be modified ten or twelve times a year each, but then there are of course smaller contracts that don't have that result.

CHAIRPERSON RECCHIA: Before I go on my question, I just want to recognize as members we've been joined by Helen Diane Foster, Joel Rivera and Karen Koslowitz. Thank you for joining

1  
2 us. Marla Simpson just finished testifying. Her  
3 testimony is attached in front of you. If you  
4 notice, she highlighted the blue for the Giants.  
5 We're going on asking questions. We're dealing  
6 with modifications of the database. Who would be  
7 responsible for inputting information for this  
8 whole operation?

9                   MARLA SIMPSON: That's actually one  
10 of the challenges here. And when I refer to my  
11 testimony to our needing to do some city wide  
12 retraining, there are probably thousands of people  
13 in the various procurement shops and elsewhere  
14 throughout city government who are responsible for  
15 data entry in the FMS system. It is an  
16 extraordinarily complex and comprehensive system  
17 that touches every aspect of at least the  
18 financial side of city government. We need—and  
19 basically the people in city government who use  
20 that system are not used to thinking of it as a  
21 system that the public would need to be able to  
22 read. So for example when you get to the contract  
23 descriptive fields, and FMS has a robust structure  
24 for tracking the nature and description of  
25 contracts, but many agencies use that field to



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2 enter what amounts to codes. They have numeric  
3 information that categorizes their contracts, and  
4 so you'll see something like NTC3746, and that's a  
5 description to them that may mean New Town Creek,  
6 but you don't know that if you're a member of the  
7 public. So again, we're going to have to go  
8 through a significant amount of FMS training for  
9 the data entry people so that they understand that  
10 it is important to use at least the primary  
11 descriptive field with a plain English  
12 description.

13 CHAIRPERSON RECCHIA: So you're  
14 going to describe what the NTSF34 whatever--what  
15 those codes mean?

16 MARLA SIMPSON: Well in fact, what  
17 we're going to do--

18 CHAIRPERSON RECCHIA: [Interposing]  
19 Or just put this is it.

20 MARLA SIMPSON: We're going to put--  
21 instead of putting the code in there in that  
22 field, we would put the plain English description  
23 in that field, and if--there are extra fields in  
24 FMS; they can stick the code somewhere else. We  
25 just have to get a common understanding across

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city agencies about what field is used for what purpose.

CHAIRPERSON RECCHIA: And the computer system you're using, it's different than the one the Department of Finance is using? Is that correct?

MARLA SIMPSON: Well, the Department of Finance uses FMS. I imagine the Department of Finance has a number of other databases that I'm not as familiar with, but every agency in the city including the City Council use FMS to enter financial transactions.

CHAIRPERSON RECCHIA: - - having a lot of trouble over there with their computers.

MARLA SIMPSON: Hasn't bubbled up to my end just yet.

CHAIRPERSON RECCHIA: No 'cause this sounds like a very complex undertaking that you're going to be doing with your staff. Do you have enough staff? Are they going to increase-

MARLA SIMPSON: [laughter]

CHAIRPERSON RECCHIA: No, I'm being honest with you. Listen. You know what? They moved - - from DFTA [phonetic] to Finance, 30

1  
2 people in DFTA worked on SCREE [phonetic], and the  
3 commissioner thinks he can do it with 10 or 12  
4 people, and we have a nightmare, so I just want to  
5 make sure because you have proper funding and  
6 stuff 'cause in order for this to work, you need  
7 to be properly staffed, and if not, we're going to  
8 need to make a move or something about this.

9 MARLA SIMPSON: We're evaluating  
10 all of those issues. The Mayor's Office has  
11 always been very careful to ensure that our office  
12 has the resources that we need. I will point out  
13 that FMS is a database that is supported and  
14 administered at the city's Financial Information  
15 Services Agency (FISA), and FISA itself has very  
16 broad and robust training capabilities and again  
17 we—since the discussion on this bill has moved  
18 very quickly, we haven't yet sat down with FISA to  
19 talk about how we would use the FMS training  
20 facilities that they have, but FISA runs a  
21 curriculum on FMS training all the time, and so  
22 again, we feel that in discussions with FISA and  
23 with the lead time that we have between now and  
24 July, we will be able to make the improvements  
25 that we need.

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CHAIRPERSON RECCHIA: So - -

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understanding, so basically you're going to work

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through this through every city agency through the

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people that do their procurement database input?

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MARLA SIMPSON: Let me make a

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couple--let me back up for a second, and then... The

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answer to the question is yes, but we could put

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FMS data including the descriptive fields up right

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away, and it would be there and it would say--it

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would give the public a great deal of information.

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Some of that information would appear to be

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gibberish because of these codes and that sort of

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thing, but there is a lot of information that is

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perfectly understandable that would be there right

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now. If you look for example at the Clearview

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application that is on the comptroller's website,

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it's coming out of a similar database that they

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have, which is integrated with FMS. And so you

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can see quite a lot and understand quite a lot

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with what's there now. I was simply saying that

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recognizing the goals of this bill we are also

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going to work with the people who do that data

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entry to improve its quality.

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CHAIRPERSON RECCHIA: Does the

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comptroller's database did they give you the complete contract?

MARLA SIMPSON: No, what you can download from the website does not include the actual contract; it includes basically an excel file that gives you information on the vendor or on the agency or whatever you're searching-

CHAIRPERSON RECCHIA: [Interposing] But it doesn't give you a detail or a description of what the contract is about?

MARLA SIMPSON: It gives you a summary description and I believe it gives you some information on contract type. It gives you quite a lot to figure out-again-

CHAIRPERSON RECCHIA: [Interposing] The problem that we're having is that we go to the comptroller's website, and we can't figure out what the contract's all about sometimes. It's not clear enough. They only put like five words.

MARLA SIMPSON: Well... yes, and that will be the challenge. I mean, speaking as recovering lawyer I have to tell you, it is a little difficult.

CHAIRPERSON RECCHIA: Recovering

1  
2 lawyer? I like that. What are you recovering  
3 from? The Giants? The victory?

4 MARLA SIMPSON: I'm officially non-  
5 practicing which I refer to as recovering. In any  
6 event, speaking as one who formerly operated in  
7 that world, it is very difficult to condense in  
8 any way that actually captures a 1500 page  
9 contract. It's very difficult. Somebody could  
10 take a stab at trying to write down what they  
11 think the most important parts of the 1500 page  
12 contract is, but 7 other people would have 7 other  
13 explanations of what they thought the most  
14 important aspects should be. That's one of the  
15 reasons why again I think there is probably no  
16 substitute for actually trying to make more of the  
17 text of these contracts available, so that people  
18 can see the actual contract. And since so much of  
19 that text is boilerplate and by saying it's  
20 boilerplate, I'm not saying it's unimportant.  
21 This city has spent and the law department spends  
22 a huge amount of effort ensuring that we have the  
23 contracts that achieve the policy goals that we  
24 are looking to achieve. I'll give construction as  
25 an example because I know it's an area that we've

1  
2 talked about a lot on the Contracts Committee in  
3 the construction arena that is the primary  
4 industry through which our MWBE program operates,  
5 and we have made significant changes in the  
6 boilerplate of our contracts in order to—for  
7 example, lower bonding requirements and create an  
8 easier entrée for new companies to come and do  
9 business with the city. And so by posting those  
10 terms and making the standard boilerplate  
11 available, we think that that will actually  
12 increase the public's understanding and  
13 particularly, potential vendors' understanding of  
14 what it means to do business with the city.

15 CHAIRPERSON RECCHIA: You just made  
16 Diana Reyna very happy by doing that 'cause she is  
17 Ms. MWBE. Okay. Let me introduce everyone.  
18 We've been joined by Oliver Koppell, Diana Reyna  
19 and Darlene Mealy, my co-chair. At this time, I'm  
20 going to turn it over to Ms. Darlene Mealy.

21 COUNCIL MEMBER MEALY: Yes, good  
22 morning, Ms. Marla Simpson and my colleague chair.  
23 I just have a few things that I want to ask. The  
24 contract definition the bill narrowly defines the  
25 contractor to exclude the subcontractors. Why is

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that?

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MARLA SIMPSON: The subcontract information at this point is not readily accessible in the database that would allow us to do that. That is something that we're working on separately and at some point when we have data that the city has more confidence in, I'm sure we would want to make it available, but the problem with subcontracting is that because it is approved as the job goes along and basically the agencies make one by one decisions over a period of years, most of the data that exists on subcontracting is at the agency level. We go through a gargantuan effort twice a year under Local Law 129 to obtain all of that information and bring it into a central database and we make two semi-annual reports to the Council that document all of the subcontract information and those reports are available I believe on the SBS website. To do that in real time is not something that we have the capability of at this point.

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COUNCIL MEMBER MEALY: At this time, so when will the time be?

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MARLA SIMPSON: I don't know.



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2 Again, we are in discussions with the  
3 comptroller's office. We're in discussions with  
4 agencies. Remember that—let me just give an  
5 illustration. The reason FMS data is so  
6 comprehensive and secure is that FMS data is  
7 really from A to Z because it gives you at the  
8 very outset the relationship that's established  
9 when a contract is registered, and it goes all the  
10 way through the very last payment that is made to  
11 that vendor. The city doesn't pay subcontractors.  
12 The vendor does, and so since we don't have that  
13 piece of information in terms of the payment part  
14 of the cycle, it's really hard to get precise  
15 information. We have very good information about  
16 what the estimated size of a subcontract is at the  
17 beginning of that relationship because that's the  
18 point at which we have to measure for example,  
19 MWBE goals, but we need to follow through. We  
20 know we need to follow through. I think I've  
21 testified in this regard at the Committee in the  
22 past. We need to follow through and get better  
23 information throughout the life of the contract  
24 about what the subcontractors are actually being  
25 paid. Realistically in order to do that, we

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2 probably have to build a portal that will allow  
3 the prime contractor himself or herself to enter  
4 the data for their own contract and for that data  
5 to be uploaded to a city system. That's a very  
6 challenging effort for us to do that. Again, we  
7 think that working with the comptroller, it's  
8 something that we can achieve and we've had some  
9 discussions with them to that effect, but it has  
10 issues of security. It has issues of data  
11 accuracy. It has a lot of resource issues about  
12 the staffing that would be needed at the city to  
13 do quality control on that data. It's definitely  
14 something that's on our agenda, but it is not  
15 something that can be achieved in a short amount  
16 of time.

17 COUNCIL MEMBER MEALY: Okay. Thank  
18 you. So what checks and balances would we put in  
19 place to guard against human error? This website.  
20 For this new online.

21 MARLA SIMPSON: Again, FMS is  
22 structured on the financial side to be highly  
23 secure and to have a significant amount of checks  
24 and balances built in. FMS is the city's  
25 accounting system of records. It's essentially

1  
2 our books. Every transaction that gets recorded  
3 has to align to the budget code that that  
4 appropriation comes from and then ultimately, it  
5 has to match up—you know, if it's a procurement  
6 transaction, it has to match up to a contract. If  
7 there's an invoice, that invoice has to match up  
8 to both of those things. There's a lot of  
9 internal checks and balances as you would expect  
10 in any system that's basically designed to be  
11 accounting driven. The part of FMS that we are  
12 concerned about that we want to do some improved  
13 quality control on is the text fields—the  
14 descriptions when the agency writes what it's for.  
15 There hasn't been as much attention to what's  
16 going into those descriptive fields as there has  
17 been on what's going on to the money fields. So  
18 the dollar numbers and those key elements are more  
19 likely to be understandable than the text of the  
20 description, but that is something that we believe  
21 we can address through education.

22 COUNCIL MEMBER MEALY: Could I ask  
23 you--I'm sorry I came in late--the FMS--what group--  
24 what city agency? It's not an agency; what group  
25 is that going to be doing?

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2 MARLA SIMPSON: FMS is a database  
3 that every single city agency, including the City  
4 Council, uses to record financial transactions.  
5 It is a system that is supported and administered  
6 through the city's Financial Information Services  
7 Agency or FISA.

8 COUNCIL MEMBER MEALY: So upon DUIT  
9 certification of completeness, DUIT must also  
10 submit to the mayor and the Council analysis on  
11 the steps taken to establish each category of  
12 information of the database and the steps taken to  
13 ensure and test the reasonable completeness and  
14 accuracy. Such reports also explain the process  
15 by which and how often the Department of  
16 Information, Technology and Telecommunications  
17 will update the searchable database. What groups--  
18 you just said that we don't have employees to  
19 input this information--

20 MARLA SIMPSON: [Interposing] No, I  
21 didn't say that.

22 COUNCIL MEMBER MEALY: So who would  
23 input--every city agency would they come up with  
24 that they don't have anyone to upgrade this  
25 information?

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2 MARLA SIMPSON: No. Let me back  
3 up and distinguish between the database that we're  
4 drawing it from and the database that we're  
5 creating--

6 COUNCIL MEMBER MEALY:  
7 [Interposing] Just upgrading it, it would be  
8 accurate.

9 MARLA SIMPSON: No, it's two  
10 things. FMS is the city's underlying accounting  
11 database. It has people in every single agency  
12 already, who are responsible for entering data in  
13 it. We're not trying to add to their burdens. We  
14 may ask them to change some of the ways in which  
15 they do things in terms of what they write, so  
16 that it's plain English in some respects, so that  
17 what they're entering is understandable. FMS will  
18 happen whether this bill—I mean, FMS exists and  
19 that data will exist whether this bill ever gets  
20 adopted or not. As a result of this bill, we are  
21 creating in effect a holding place, a data mart  
22 [phonetic] that is developed through an  
23 application, and when I refer to what would be  
24 posted as a result of 729-A, it's an application  
25 that DUIT has already begun to build. I mean they

1  
2 were building it for other reasons anyway. We  
3 have an application that pulls data out of FMS.  
4 It pulls it out of a number of locations, but it  
5 pulls it out of FMS automatically. What we would  
6 need to do is just make sure that the application  
7 is actually pulling all of the relevant data.  
8 That's what I mean in the bill by talking about  
9 DUIT's being able to certify the accuracy of the  
10 database. It's basically a certification that  
11 they're doing that says the coding, the computer  
12 programming that they're using to pull data out of  
13 FMS is actually pulling what you want it to pull.  
14 It's not a question of trying to say that every  
15 person who is putting data into FMS is not making  
16 any mistake. I mean, obviously as with any data  
17 function, mistakes can occur. We are more  
18 confident in the strength of the data in FMS than  
19 in almost any other place because it is our  
20 accounting system of record, and we have to be  
21 careful with it.

22 COUNCIL MEMBER MEALY: Being the  
23 sponsor of this bill, I just wanted to make sure—  
24 and I'm glad you just said—so it will be two  
25 annually [phonetic] reports given in regards to

1  
2 updating us on what's going on? The mayor and the  
3 City Council.

4 MARLA SIMPSON: Yes.

5 COUNCIL MEMBER MEALY: So I thank  
6 you for this hearing. I'm glad to be a proud  
7 sponsor.

8 CHAIRPERSON RECCHIA: Okay. Diana  
9 Reyna has some questions.

10 COUNCIL MEMBER REYNA: Thank you,  
11 Mr. Chair, Chairs of this Committee. I wanted to  
12 just touch base on the issue regarding the checks  
13 and balances that have been mentioned. Director  
14 Simpson, the safeguard that would be put into  
15 place in order to reconcile information—does one  
16 exist that you've implemented already? I'm trying  
17 to understand you know how are you going to other  
18 than education amongst agencies to reduce human  
19 error that doesn't allow us to have an accurate  
20 accountability of both numbers and description?

21 MARLA SIMPSON: I think accuracy is  
22 not a significant problem. Obviously, there can  
23 be errors with any human function, but for  
24 example, if an agency makes an error in the dollar  
25 value that it has put in for a contract, it's

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2 going to notice that pretty soon because something  
3 is not going to balance in its budget and it's  
4 going to see, oh, we put too much or too little,  
5 and there will be a modification, which is why  
6 again when I was discussing with the Chairman how  
7 important it is for us to make sure that we can  
8 deal with the modification data because for  
9 example if you goof something up on the dollar  
10 value, you're going to have to come in later and  
11 fix it. What I'm more concerned about where  
12 education comes into play is not so much the  
13 prevention of data entry errors, but the  
14 transformation of what an agency thinks we are  
15 using FMS for, so right now the descriptive fields  
16 in FMS are not used for any purpose that is  
17 external; they are only used for internal,  
18 organizational purposes, and so an agency may find  
19 it perfectly understandable to write in effect a  
20 contract code into a descriptive field. They need  
21 to change that behavior because that code doesn't  
22 mean anything to external people like the public  
23 or like stakeholders like yourself. So that can  
24 be done. I'd say right now 80-90 percent of what  
25 people are putting in the descriptive fields of



1  
2 FMS are understandable. They may not be spelled  
3 well, but they're understandable. And so, we will  
4 work with them to try and increase all of those  
5 accuracy issues, and to make sure that when the  
6 write something in the descriptive field, it  
7 actually describes in an external way what it is  
8 that they're doing. I think that that—I mean, you  
9 know the example that I gave the Chairman with  
10 the—was actually sort of a DEP coding system where  
11 basically they use the initials of their plants  
12 [phonetic] as the code, and so if you see NTC,  
13 it's New Town Creek. If you see... and so you do  
14 know what they mean, but somebody needs to tell  
15 them, "No, you have to write it out." This is an  
16 upgrade to the New Town Creek Water Pollution  
17 Control Plan.

18 COUNCIL MEMBER REYNA: And we're  
19 very happy about that. We do live in a world of  
20 acronyms in government, and I could understand how  
21 very automatic it is to abbreviate everything. I  
22 just wanted to understand, you mentioned the  
23 education portion of this regarding mayoral  
24 [phonetic] agencies, what about the education  
25 portion for non-mayoral agencies such as the City

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2 Council obviously because we rely on the FMS just  
3 as much as the mayoral agencies as well as the  
4 city comptroller. I'm not too sure of the public  
5 advocate is also an entity that has direct access  
6 to FMS, as well as the borough presidents'  
7 offices.

8 MARLA SIMPSON: Everybody has  
9 access. Many of the small agencies do almost all  
10 their contracting below \$100,000, so you wouldn't  
11 expect them to have very much that would come into  
12 play for this database, but FISA, which as I say  
13 is the owner and administrator of FMS, they serve  
14 all agencies, mayoral and non-mayoral. They have  
15 a training facility. They have a curriculum.  
16 They have courses on FMS, so again, this is all  
17 moving very quickly. I don't want to speak for  
18 FISA because we actually haven't sat down and  
19 talked to them about how to integrate this into  
20 their curriculum. Last week we worked with your  
21 staff on the text of the bill, and obviously as we  
22 go forward, FISA is a key player where we need to  
23 talk to them about what kind of training we can  
24 work on together to ensure that we have plain  
25 English in the right locations.

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COUNCIL MEMBER REYNA: And is there going to be a time table that's expected of FISA as a contract to be able to deliver a certain percentage by X amount of time? I'm trying to understand-

MARLA SIMPSON: [Interposing] I don't know yet. I mean what we believe we can do is, again, we worked very carefully with your staff on a phased roll out for this so we will have a significant amount of information up in July, and we'll report in September. We'll report again in July, and hopefully, we will get everything out there. We obviously-one of the reasons why we needed to ensure that there was some ability to delay implementation of certain categories is that we don't know how hard it will be to get this information-

COUNCIL MEMBER REYNA:  
[Interposing] Disseminated or...?

MARLA SIMPSON: Well, exactly. Again, there are thousands of people in the city who do FMS data entry. I can't bring them all to training on the same day.

COUNCIL MEMBER REYNA: Right.

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MARLA SIMPSON: So there are issues in terms of how that gets implemented.

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COUNCIL MEMBER REYNA: And are you going to be working with the fiscal year or are you going to be working with the calendar year or it doesn't even matter?

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MARLA SIMPSON: It doesn't really matter, but we tied implementation to July and July because the fiscal year is the easiest place to make those transitions.

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COUNCIL MEMBER REYNA: Of course. And then I wanted to just understand the ultimate goal here eventually as far as procurement is concerned is that payment to contracts whether that's prime contractors or subcontractors would be more efficient, efficiently or...?

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MARLA SIMPSON: I don't know that this improves the payment side of the operation in-

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COUNCIL MEMBER REYNA: [Interposing] And if it doesn't, I'm trying to understand Director Simpson, does this allow you to look into better payment turnaround?

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MARLA SIMPSON: It can't hurt I

1  
2 guess is the answer, but the comptroller has a  
3 database that they are working on and that we have  
4 actually been invited by the comptroller to  
5 participate in both when they first rolled it out  
6 and now that they are looking at improvements.  
7 The comptroller has a database called Checkbook,  
8 and as the city's fiscal agent in effect the  
9 comptroller is very closely tied to that payment  
10 process.

11 CHAIRPERSON RECCHIA: [Interposing]  
12 Could I just interrupt? We've been joined by  
13 Council member Jimmy Van Bramer. Thank you. Go  
14 ahead.

15 MARLA SIMPSON: And the Checkbook  
16 application, which is also on the web now does  
17 allow everyone, the vendor or someone from the  
18 public to see the date and amount of every  
19 payment.

20 COUNCIL MEMBER REYNA: Right. I  
21 just want to make sure access to information can  
22 allow you to analyze a lot, and so I hope that is  
23 an opportunity for an exercise of figuring out  
24 with this new information that we'll be able to  
25 have access on what prompts out there we can

1  
2 improve on. We've heard time and time again—I as  
3 Chair of Small Business - - businesses that do not  
4 get paid in a very efficient way from the city of  
5 New York and separate and aside from the  
6 comptroller's office, how do we work with your  
7 office in order to hold ourselves accountable to  
8 better government contracting from language to  
9 payment? Because it's not just the in between  
10 portion; it's always making sure that there is an  
11 opportunity to increase the rate of percentage for  
12 procurement opportunity and the work that you've  
13 embarked on is always one step closer to achieving  
14 greater goals, and so I appreciate all the work  
15 you've put into this, and hoping and expecting  
16 that we can always do more.

17 MARLA SIMPSON: We'll be happy to  
18 work with you on that.

19 COUNCIL MEMBER REYNA: Thank you.

20 COUNCIL MEMBER RECCHIA: Okay. Ms.  
21 Simpson, I have one or two questions. If a  
22 contract goes over budget, we would be able to  
23 tell from this database and the passage of this  
24 law about the contracts over budget and how much  
25 and details about that? - - .

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2 MARLA SIMPSON: There's a separate  
3 bill that's coming through I forget the Intro  
4 number, but it does address that more directly.  
5 You will see modification date on this database  
6 every time a contract is increased does not really  
7 mean that it's gone over budget. There are lots  
8 of different reasons why increases can occur; not  
9 all of those involve going over budget.

10 CHAIRPERSON RECCHIA: I have just  
11 been informed that there is another bill  
12 introduced by Ms. Mealy, and that addresses that  
13 issue. The other question I have is so someone  
14 goes on this database and they say, "Okay, I need  
15 a copy of a contract. I want to get a full copy  
16 of the contract." How would they get it? Tell  
17 them how to get a copy of the contract. Do they  
18 go to the agencies? Do they go to your office?  
19 Do they have to foil it [phonetic]? How does that  
20 become...?

21 MARLA SIMPSON: Again, we haven't  
22 completely built out how this application will  
23 look in terms of the front facing part of it and  
24 what people would see. It certainly is the case  
25 that we would be able to direct people to the

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2 agencies from which they could get copies of the  
3 contract, and it might make sense to put the  
4 public information officer, the foil officers'  
5 contact right there. We can also look at whether  
6 there is a way in which we can enhance access in  
7 terms of making sure people connect through 311.  
8 All of those are again--this is something that I  
9 think is just begun to be thought through as we  
10 work on this bill. It is the case that many of  
11 the contracts are very, very long, but much of  
12 that lengthy text repeats, so I mean again, going  
13 back to construction as an example, the city uses  
14 a standard construction contract, not only the  
15 appendix, but the entire--every single term of our  
16 construction contract is uniform with rare  
17 exceptions, and so if you are undertaking a  
18 construction project, you pretty much know what  
19 the terms are if you download the standard  
20 construction contract, so we expect to make those  
21 kinds of things available on our website within  
22 the next couple of months. If you want to know  
23 what a construction contract has in it, you should  
24 be able to download a blank one, which will pretty  
25 much tell you everything you need to know other



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than the blueprints.

CHAIRPERSON RECCHIA: And because some of these people would want to know exactly - - certain contracts, so I guess they would have to foil it?

MARLA SIMPSON: I think varies in agency practice and I think in many cases—again, we’re trying to make much more of it available more easily. I’ll give another example; for every competitive bid contract that the city does, the bid document itself is the contract, the salient feature to a competitive sealed bid is that when you bid on it, you are in effect—that is the contract right there. In recent months, we’ve actually transitioned so that now virtually all of the city’s competitive sealed bid contracts are on the city record online, so when you go to city record, you can see the actual text of the competitive bid contract as you are considering whether or not to bid on it. So again, all of these things are sort of in motion at once. They have a common theme of increasing public information.

CHAIRPERSON RECCHIA: Okay. I want

1  
2 to recognize we've been joined by Julissa Ferreras  
3 from Queens. - - . There is no 2 p.m. Finance  
4 hearing today. There's no other Finance hearing.  
5 There was supposed to be. Okay. Before I go on,  
6 you're supposed to say you love it. You love it.  
7 We're going to go to Karen Koslowitz. She has a  
8 question.

9 COUNCIL MEMBER KOSLOWITZ: On  
10 construction contracts, there are changes in  
11 construction contracts like you know, extra work  
12 orders and you start off with a contract for \$2  
13 million and then at the end of the job, the  
14 contract could be \$4 million because of extra work  
15 orders and different things. I used to be—I  
16 didn't work in construction, but I did work for a  
17 construction company, so I'm aware of this, so can  
18 you explain how this would go into the system?

19 MARLA SIMPSON: Well the  
20 modification data would be made transparent as a  
21 result of this bill, so you would see that a  
22 contract had had a change order, and you would see  
23 a description of what that change order was for.

24 COUNCIL MEMBER KOSLOWITZ: Okay.  
25 Thank you.

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CHAIRPERSON RECCHIA: Oliver

Koppell?

COUNCIL MEMBER KOPPELL: Thank you, Mr. Chairman. I was a little surprised at your answer when the Chairman—I wasn't going to ask you a question, but then I was surprised at your answer when the Chairman said, "Where can we see a copy of the contract" because our good staff has prepared a memorandum which says that section 334 C of the New York City Charter says the mayor shall ensure that copies of city contracts and other standard information and contracts are reasonably available for public inspection in accordance with the provisions of Section 1064 and then the memo goes on to say that Section 1064A provides that the mayor shall maintain in a central place, which is accessible to the public, standard information regarding each city contract and contractor. Such information shall include 1) a copy of the contract. Are you saying that this provision, which is not only law, but part of our charter is not currently enforced?

MARLA SIMPSON: the contracts are certainly available and are available for

1  
2 inspection at city agencies and they are available  
3 centrally at the comptroller's office. There is a  
4 publically accessible database that has all the  
5 contract information, which is at the public  
6 access terminals in our office. At present, there  
7 had at one point been functionality to try to  
8 connect so that the copy of the contract was also  
9 available, but at present, it does not work... in  
10 the central location. It is available at the  
11 agency, and it is available centrally at the  
12 comptroller's office.

13 COUNCIL MEMBER KOPPELL: So you're  
14 saying all contracts are available at the  
15 comptroller's office?

16 MARLA SIMPSON: And at the  
17 agencies.

18 COUNCIL MEMBER KOPPELL: And at the  
19 agencies. Well, the section says it should be in  
20 a central place, which I don't think... Maybe the  
21 comptroller's—it says the mayor shall maintain.  
22 Well, maybe the comptroller's office provides that  
23 or satisfies that requirement. I don't think so.  
24 Now maybe this bill will cure this, but that  
25 answer really was a shocking kind of answer that

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you gave.

MARLA SIMPSON: Well, all I can tell you is that it has been that way since before this administration. I believe it has always been that way. I don't know any point where it was centrally available at the office of contract services. It certainly has not been available through our office in the nine years that I've been there.

COUNCIL MEMBER KOPPELL: Well, just to clarify, are you saying that now with this database copies of contracts will be available?

MARLA SIMPSON: No.

COUNCIL MEMBER KOPPELL: No. No, the database isn't going to make the contract available in a central location.

COUNCIL MEMBER KOPPELL: Well, I would suggest—excuse me. I'm sorry. That shouldn't go off. I would suggest that you take a look at that section of the City Charter and perhaps, take care of it.

MARLA SIMPSON: I will refer that to corporation counsel and to others. These are very, very long documents and at the present, the

1  
2 city does not have that functionality on any data  
3 system that I'm aware of, other than--again, the  
4 comptroller's office does have through its oasis  
5 [phonetic] system a scanned in record of every  
6 single city contract, and it is central, and they  
7 do make it available.

8 COUNCIL MEMBER KOPPELL: Well,  
9 maybe the solution is I would refer this to the  
10 Committee Chair--

11 CHAIRPERSON RECCHIA: Yeah, we're  
12 going to look into this because the law says the  
13 mayor has to do this, not the comptroller, and I  
14 just directed my staff that we will discuss this.  
15 I'm going to Albany tomorrow, but the end of the  
16 week, we'll discuss this.

17 MARLA SIMPSON: There is or was an  
18 oasis terminal installed in our office at one  
19 point, and early, early in the administration when  
20 I got there and we looked at it, we tried to get  
21 it work and we worked with the comptroller's  
22 office a number of times, and they could not get  
23 the system to work.

24 CHAIRPERSON RECCHIA: Who runs the  
25 oasis terminal?

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MARLA SIMPSON: The comptroller.

COUNCIL MEMBER KOPPELL: It seems to me—if I may, Mr. Chairman—it seems to me, and this is the last thing I'll say, if the information is available online—well, I won't say online—if it's available in an electronic database, it should not be too difficult to transfer that electronic database to your office from the comptroller's office.

MARLA SIMPSON: Yes, I agree that that's a worthy goal.

COUNCIL MEMBER KOPPELL: Thank you.

CHAIRPERSON RECCHIA: This is a big discovery today. We will examine this. We will discuss this further. I see the staff is over there shaking their heads, but we've been joined by Vincent Ignizio from Staten Island and the Minority Leader, James Oddo. Welcome. I introduced Julissa already. Okay. You know, the big issue, Ms. Simpson, is that issues pop up and people want to say, "Okay, corporation X or somebody has this contract with the city. What does the contract say?" - - outline? That's how this whole thing really came about, and by what

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you're testifying here today, I don't think we're addressing that objective by really being able to see what the contract says or get the details or so forth. Would I be correct in saying that?

MARLA SIMPSON: quite frankly, the only way to see what a contract says is to read it. There really isn't an accurate way to—

CHAIRPERSON RECCHIA: [Interposing] to get a copy of the contract?

MARLA SIMPSON: That would summarize it. The best way to know what it says is to get a copy and read it.

CHAIRPERSON RECCHIA: Is there any objection from the administration if we wanted to figure out a mechanism in how we could put the contracts up online?

MARLA SIMPSON: We'd be happy to work with you on that goal.

CHAIRPERSON RECCHIA: Okay.

MARLA SIMPSON: A lot of server capacity, I will say.

CHAIRPERSON RECCHIA: I know it's a lot of server, you know.

MARLA SIMPSON: A lot of server



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capacity.

CHAIRPERSON RECCHIA: - - Mealy?

COUNCIL MEMBER MEALY: We're in the 21<sup>st</sup> Century, technology, New York City. We can do it. We can do it. Thank you.

CHAIRPERSON RECCHIA: I understand it's voluminous, but if the comptroller puts a little synopsis on the contract-

MARLA SIMPSON: [Interposing] It's coming out of a database, yes-

CHAIRPERSON RECCHIA: I understand that. What I feel should happen, okay, is that fine, you can't-the servers would be costly obviously - - , but if someone wants to access or wants a copy of a contract, there should be a mechanism where they could request a copy of the contract from somewhere in city government without having to foil it, be questioned about it, and so forth. Do you agree with me about that?

MARLA SIMPSON: I agree that it's valuable to have access and that we should think through how, but if you were to put up an application that told anyone they could get a copy of any contract at any time and we had to print

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and download and mail those, that would be  
extraordinarily expensive.

CHAIRPERSON RECCHIA: That's why we  
could charge a fee. That's why—

MARLA SIMPSON: [Interposing] Well,  
that's why it's done through foil quite frankly  
because that's a way of getting - - application—

CHAIRPERSON RECCHIA: [Interposing]  
No, no, no, no. You can't tell me it's up on foil  
because of that. It's up on foil 'cause they  
don't want you to have it.

MARLA SIMPSON: No, actually. I  
don't think that's fair because in the contracting  
world our agencies are well aware of how important  
it is to provide instant access and they do. I  
have in all the years I've been in the mayor's  
office, I've never gotten a complaint from a  
vendor or anybody else who couldn't get a contract  
from an agency within very prompt turnaround. The  
agencies give copies of the contracts all the  
time. They charge a hefty fee for that when the  
contract is large.

CHAIRPERSON RECCHIA: Okay. We're  
going to continue this conversation with our

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2       staffs. We're going to go back and work with you.  
3       You've been very helpful on this. I want to thank  
4       you. Your office has been really good; just we  
5       have to go one step further figuring this all out.  
6       Alright. Does any other Council Member have any  
7       other question they would like to ask Ms. Simpson?  
8       Besides Diana Reyna. Okay, Diana?

9                        COUNCIL MEMBER REYNA: Thank you  
10       very much, Mr. Chair. I just wanted to  
11       understand, Director Simpson, the issue of long  
12       term contracts, the ones that are beyond a one  
13       year term, for instance, commercial furniture in  
14       the city of New York, its vendor has been the same  
15       vendor for the last 20 years. Moving forward,  
16       there was a period for a new contract because that  
17       old contract expired. The provisions of that  
18       contract were never changed, and therefore, the  
19       language reflected what would be a criteria that  
20       was obsolete, you said? No, it was language that  
21       was never updated; therefore, the provisions were  
22       going to favor the existing contract and the other  
23       vendors would never meet the criteria for. Does  
24       this bill require a review of those types of  
25       contracts, where the city of New York has entered

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2 into a culture that there is a lack of review  
3 because we've done business with the same vendors  
4 for X number of decades and why change it, but  
5 we're not securing the best possible service for  
6 the best possible dollar, and that concerns me,  
7 but I wanted to understand whether or not this  
8 particular language within this bill allows for  
9 there to be a change in that culture?

10 MARLA SIMPSON: A very long and  
11 complicated question, and I have to tell you I'm  
12 familiar with an individual who contends that the  
13 facts that you put in your question are correct,  
14 but I don't believe that is a correct summary of  
15 anything that happened on the contract that he is  
16 concerned about. In fact, that contract has been  
17 rebid several times and the terms have changed.  
18 They have not changed in a way that particular  
19 wants them to change, and that causes him to be  
20 against what the city is doing, but the city  
21 constantly modifies its contracts every time we  
22 rebid or renew a contract, it's evaluated multiple  
23 levels including the city's law department and the  
24 terms do change to accommodate changes in policy,  
25 for example, during the time period. We've had

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2 several new laws that have come into play that  
3 have changed the terms of that particular  
4 contract. Indeed, what I would say about this  
5 bill is that the more transparency we put out  
6 there, the more information we give at least of a  
7 summary nature that allows those people to see all  
8 of the different contracts that we have for  
9 example, for furniture or for some particular  
10 commodity, the more that will over the course of  
11 time improve the quality of decision making. But  
12 I think it's really important and - - of these  
13 areas because again, there is litigation that can  
14 arise and it's important to take with some grain  
15 of salt the disappointment of any particular  
16 bidder. It does not always mean that their  
17 version of the facts is correct.

18 COUNCIL MEMBER REYNA: Right, and  
19 the issue of the contract itself not being  
20 available at a central point, I don't know at what  
21 point the charter mandates for that central point  
22 to be transparent within the mayoral agency, such  
23 as the contracts department, but the issue of it  
24 being at the comptroller's office is already when  
25 that decision making has concluded.

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2 MARLA SIMPSON: Well, as I just  
3 mentioned with a bid contract, which is what that  
4 is, all those contracts are now online at the city  
5 record at the point when they are being solicited  
6 before the contract is entered.

7 COOUNCIL MEMBER REYNA: and so if  
8 there is any questions regarding matters of what  
9 would be the issues of its language that would be  
10 raised at your level?

11 MARLA SIMPSON: The way that the  
12 charter is set up, each agency independent  
13 procures and so fundamentally, the issue of what  
14 terms would be in a commodities contract would be  
15 determined at DCAS with consultation with the  
16 city's law department. My office sometimes gets  
17 involved and we were asked by that particular  
18 vendor to look into his situation, but the primary  
19 places where the charter puts that responsibility  
20 are on the commissioner of the agency and on the  
21 city law department.

22 COUNCIL MEMBER REYNA: Okay. Thank  
23 you very much.

24 CHAIRPERSON RECCHIA: I just want  
25 to say something, Ms. Simpson. The charter that

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we have that we read says the mayor shall do it,  
not the heads of city agencies.

MARLA SIMPSON: I know what it  
says.

CHAIRPERSON RECCHIA: So you're  
saying that by having the heads of the city  
agencies that conforms with the charter?

MARLA SIMPSON: I'm saying that as  
I've said previously, I will take this back to the  
city law department and we'll look at it. I'm a  
recovering lawyer. I don't practice.

CHAIRPERSON RECCHIA: Alright.  
Recovering lawyer. Got to remember that one.  
Better recover quick. You only have a year and a  
half left on this job.

MARLA SIMPSON: I don't intend to  
go back to the practice of law regardless.

CHAIRPERSON RECCHIA: Okay. We're  
joined by Lewis Fidler and Fernando Cabrera.  
Alright, Ms. Mealy?

COUNCIL MEMBER MEALY: I just  
wanted—being the sponsor of Intros 729-A,  
improving the city contracting practices has been  
a legislation priority to me this term. In

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2 December, you all joined me in passing the  
3 outsourcing accountability act over the mayor's  
4 veto. That law will ensure that agencies consider  
5 whether proposed contracts will displace city  
6 workers and that they make this analysis public to  
7 give city employees and other vendors the  
8 information they need to compete fairly. The  
9 public information provisions of that were very  
10 important to me. It's often said that sunlight is  
11 the best disenfranchisement. In other words,  
12 making information about governmental decisions  
13 available to members of the public makes for a  
14 healthier and better functioning system. The buzz  
15 word for this ideal is transparency, but to have  
16 real transparency the public needs user friendly  
17 tools to assess the information they care about.  
18 This bill Intro 729-A will shine even more light  
19 on the city's contracting decisions. It requires  
20 the mayor to create a public, searchable, online  
21 database that will include basic information on  
22 all city contracts. Any interested member of the  
23 public can use this database to find out if a  
24 particular vendor has entered into contracts with  
25 the city and learn what those contracts are for.



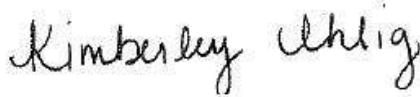
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2 They will be able to find out how much those  
3 contracts was initially supposed to cost and what  
4 changes to those costs were agreed to on overtime.  
5 This proposal is not burdensome like you said; it  
6 does not require the city to collect any new  
7 information from vendors. It simply requires the  
8 sharing of information already in the city's  
9 hands. I am very pleased with moving this intro  
10 forward. I thank you, Director Simpson and our  
11 Chairman, Domenic Recchia and looking forward to  
12 us having more dialogue on this. Thank you. May  
13 I ask any other questions? If not, we adjourn  
14 this meeting of Finance. Thank you.

15 [gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature \_\_\_\_\_

Date \_\_\_\_\_2/6/12\_\_\_\_\_