

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONTRACTS

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September 21, 2011
Start: 10:05am
Recess: 10:12am

HELD AT: Council Chambers
City Hall

B E F O R E:
DARLENE MEALY
Chairperson

COUNCIL MEMBERS:
Robert Jackson
Letitia James
Melissa Mark-Viverito
Michael C. Nelson

CHAIRPERSON MEALY: Good morning.

My name is Darlene Mealy. I serve as the chair of New York City Council's Committee on Contracts.

It is my pleasure to welcome you here today.

Thank you for attending. Before we proceed, I

would like to recognize my colleagues who are

present today from the Committee. That's Mike

Nelson. We have Mark-Viverito and Robert Jackson,

and we have Maria del Arroyo sitting in also.

This morning Committee will vote on

proposed Intro 624-A legislation to amend local

law 35 of 1994. Proposed Intro number 624-A would

improve the procedure by which city agencies

consider outsourcing service contracts. The

Council - - enact local law 35 in 1994 to

establish a procedure that would ensure that

outsourced contracts that might displace city

employees were in the best fiscal interest of New

Yorkers, but since that time because the city's

narrow reading of the law, the goals of local law

35 have not been fully realized. Proposed Intro

number 624-A should close the gap between the

intent of the law and the way that it has been

interpreted and applied.

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2 Proposed Intro 624-A will improve
3 local law in four ways. First, the law will
4 require the city to provide public notice if the
5 intent of agencies to solicit bids, renew or
6 extend existing service contracts. The mayor
7 would be required to publish an annual contracting
8 plan that at the beginning of each fiscal year
9 that gives details of each agency's intended
10 service contracts. What this additional
11 transparency city employees and private vendors
12 will benefit from an increased opportunity to
13 compete for city work. Second, the law would
14 expand the universe of service contracts. The
15 revised law would apply to standards and
16 professional services, such service contracts
17 would include those based on specialized field
18 experience, such as consulting, information
19 technology and accounting as well as more
20 commonalized [phonetic] work, such as secretarial,
21 janitorial and food-related services. The law
22 would also apply to contract extensions. Third,
23 the law would change the way that agencies
24 determine displacement. The law would amend the
25 definition of displacement to include positions

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2 reduced through arbitration. Also because in the
3 last ten years no agency has ever found
4 displacement and performed a cost benefit
5 analysis, the revised law would compel a cost
6 benefit analysis under certain circumstances,
7 including the announcement of a program to
8 eliminate the gap or any other costs cutting
9 announcements relevant to the city employees.
10 Finally, the law would bolster the certification
11 procedure when agencies determine that a contract
12 would not displace city employees. Agencies would
13 be required to provide detailed information
14 concerning their non displacement determinations
15 and the capacity within the agency to perform the
16 work in house. Overall, the bill stands to bring
17 transparency, accountability and cost efficiency
18 to the city's outsourcing of service contracts. I
19 am proud to sponsor this legislation, and again,
20 thank you for attending today. Do any of my
21 colleagues have—Mr. Robert Jackson has a
22 statement.

23 COUNCIL MEMBER JACKSON: Well,
24 thank you, Madam Chair. First let me thank you on
25 behalf of all of the city employees that will

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2 continue to be impacted by this updated and local
3 law 35, which is intro 624-A. Clearly, as you
4 indicated in your opening remarks this is an
5 update, but it's going to bring about the type of
6 increased transparency. It will enhance
7 competition and maximize cost efficiencies in the
8 procurement of service contracts, and obviously,
9 considering the fact that dollars are shrinking
10 overall in the city of New York and there are
11 employees being laid off, we must ensure that our
12 dollars are being well spent, and that any service
13 contracts are not duplicating work that's already
14 being done by city employees, so let me thank you
15 as a primary sponsor of this updated piece of
16 legislation. I just think it's a good thing
17 overall for the people of New York City. Thank
18 you.

19 CHAIRPERSON MEALY: Thank you. Any
20 other colleagues? I hope we can really look into
21 this good and follow through. If there's no
22 other—we're going to have a roll call. I vote
23 aye. The clerk will do the roll call.

24 COMMITTEE CLERK: Kevin Pin,
25 Committee Clerk, roll call in the Committee on

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Contracts. Council Member Mealy?

COUNCIL MEMBER MEALY: Aye.

COMMITTEE CLERK: Nelson?

COUNCIL MEMBER NELSON: Aye.

COMMITTEE CLERK: Jackson?

COUNCIL MEMBER JACKSON: Aye.

COMMITTEE CLERK: Mark-Viverito?

COUNCIL MEMBER MARK-VIVERITO: Aye.

COMMITTEE CLERK: By a vote of four
in the affirmative, zero in the negative and no
abstentions, the item has been adopted. Members,
please sign the Committee report.

CHAIRPERSON MEALY: We will hold
the vote open to 10:30. Thank you.

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

Kimberley Uhlig

Date _____9/22/11_____