



January 27, 2021

AIA New York LL63-2011 Testimony

Thank you Chair Kallos and members of the Committee on Contracts for holding this hearing today. We are the American Institute of Architects New York, also known as AIA New York. Our over 5,500 members are New York City's architects and related professionals, many of whom are unionized city agency staff, as well as architects at firms that consult with the city.

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Local Law 63 of 2011 was intended to curb the short-sighted policy of reducing the number of civil servant architects and other professionals at city agencies.

Unfortunately, Local Law 63 has not succeeded in halting that trend. Furthermore, the continued diminishing of civil servants in city government has not succeeded in decreasing costs and hastening project delivery.

The lack of qualified civil servants at agencies is one of the main causes of delayed and over-budget public works. A lack of staff means a lack of project management, which delays projects and limits the ability of agencies to ensure contractors stay on budget. This also limits the competition for publicly bid projects, since many architecture firms are reluctant to work with understaffed agencies. Smaller firms, which are disproportionately minority- and women-owned business enterprises (MWBES), are especially hesitant to take on city projects for this reason. While larger firms can take the financial risk of working on delayed and poorly supervised projects, MWBES often do not have the ability to do so.

Not only should the city do a more effective job of enforcing Local Law 63, but it must go further to ensure agencies are well staffed. In 2019, the City Council passed Local Law 97, also known as "the Climate Mobilization Act," a landmark piece of legislation requiring large buildings to stay under emission limits by undergoing retrofitting. Unfortunately, the Department of Buildings has funding for only a handful of staff to oversee this law, which will make it difficult to enforce. A failure to effectively enforce Local Law 97 will cost architects, engineers, tradespeople, and others billions of dollars in expected income, while depriving the city of desperately needed revenue in taxes and filing fees.

If the city is to keep projects on time and on budget, and if the city seeks to enforce ambitious legislation, it must have the staff necessary to do so. Thank you again for holding this important hearing.

Board of Directors,
AIA New York



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Committee on Contracts

Oversight: Review of Agency Compliance with Local Law 63 of 2011, Requiring Cost-Benefit Analyses of Displacement of City Workers in Solicitations for Certain Contracts

Testimony By: Matt Drury, Director of Government Relations, NYC Parks

Good afternoon, Chair Kallos, and members of the Contracts Committee. My name is Matt Drury, and I serve as the Director of Government Relations at NYC Parks. Joining me are some of our agency staff - Diane Jackier, Chief of Capital Strategic Initiatives, and Parmod Tripathi, Chief of Management Services/Agency Chief Contracting Officer. We are also very pleased to be joined by our colleagues at the Department of Citywide Administrative Services, including Keith Kerman, Deputy Commissioner and NYC Chief Fleet Officer.

Regarding the topic of today's oversight hearing, I am pleased to report that NYC Parks is in full compliance with Section 312 of the City Charter, as updated by Local Law 63 of 2011. In accordance with that law, City agencies submit an annual procurement plan detailing the agency's anticipated contracting actions over \$200,000 for the Fiscal Year, which is publicly available on the Mayor's Office of Contract Services' website. NYC Parks' report is segmented into two portions, outlining the contract activities related to both operational expenses and capital project expenditures.

In accordance with the Charter as amended by Local Law 63, before the issuance of a contract for standard or professional services, the Agency determines whether such contract is the result of, or would result in, displacement of City employees within the agency, as defined by a set of criteria established within the Charter. It may be helpful here to briefly provide some context for the City contracting process. Generally speaking, NYC Parks would seek to secure a standard or professional services contract when the services required are of a highly specialized or technical nature, and the agency does not have the appropriate in-house expertise to provide said services. In a few unique scenarios, the services required represent a volume that the agency's

existing employees do not have the staffing capacity to provide, necessitating the use of a standard or professional services contract.

For a variety of reasons that have emerged over the past year, NYC Parks has actually undertaken significant **reductions** to many of our standard or professional services contracts, in consultation with the Mayor's Office of Management & Budget, while retaining a consistent staffing level of in-house agency employees. Though broader dynamics may vary by agency, depending on the circumstances of a given Fiscal Year, we believe that the reporting compelled by Local Law 63 represents our Administration's shared commitment to transparency and openness regarding City contracting activity, and compliance with the City Charter's requirements is an undertaking that we take very seriously as an agency.

Thank you for offering the opportunity for us to testify today, and for our agency staff to view testimony from the public via the Council's hearing livestream. We would now be happy to answer any questions you might have.