



Legislation Text

File #: Res 0796-2023, **Version:** *

Preconsidered Res. No. 796

Resolution calling on the Mayor of New York City, when contracting for the purchase, operation, and maintenance of zero emission vehicles, to procure on the basis of best value.

By Council Members Powers, Gennaro, Rivera, Velázquez, Restler and Marte

Whereas, Section 163 of the New York State Finance Law defines “best value” to be a basis for awarding contracts that optimizes quality, cost, and efficiency among responsive and responsible bidders, in contrast to a least cost basis, which requires award to the lowest responsible bidder; and

Whereas, Use of a best value basis may allow the Mayor of New York City (the Mayor) to procure goods and services that both have a higher lifetime value than those procured with a least cost basis and are provided by businesses that encourage workers’ rights, social justice, and environmentalism; and

Whereas, When evaluating bids on the basis of best value, the Mayor may consider certain factors of interest, such as whether the bidder has a history of poor performance or labor violations, is a small business or certified minority- or women-owned business, or will employ union labor, which may result in a higher-quality work product; and

Whereas, The rules that govern procurement by the Mayor are set by New York State (the State) and the New York City Procurement Policy Board (PPB), which has a majority of members that are appointed by the Mayor; and

Whereas, Section 103 of the State General Municipal Law and the rules of the PPB allow the Mayor to award purchase contracts on the basis of best value; and

Whereas, The rules of the PPB also allow the Mayor to require that bidders competing on the basis of

best value submit, in addition to a bid price, certain information, such as a jobs plan, which may detail a bidder's commitment to job creation, implementing a targeted plan to hire individuals facing barriers to employment and displaced workers, and offering living wages, benefits, and worker trainings; and

Whereas, The Council of the City of New York (the Council) may require that, beginning July 1, 2025, all light- and medium-duty vehicles procured by the Mayor be zero emission vehicles (ZEVs), and that, beginning July 1, 2028, all heavy-duty vehicles procured by the Mayor be zero emission vehicles, such that all light- and medium-duty vehicles in the New York City (the City) fleet are ZEVs by July 1, 2035, and that all heavy-duty vehicles in the City fleet are ZEVs by July 1, 2038, subject to certain exceptions; and

Whereas, In order for the City to transition to a ZEV fleet, the Mayor will likely need to allow existing internal combustion engine vehicle contracts to expire and award new contracts to purchase, operate, and maintain ZEVs; and

Whereas, The Mayor should award these ZEV contracts on the basis of best value to ensure that the City fleet is manufactured and maintained by trained professionals who have a history of producing high-quality goods and services and are employed by bidders who are committed to job creation, paying living wages, offering benefits, and providing worker training and retraining; and

Whereas, The Mayor should also require that bidders competing for ZEV contracts submit a jobs plan that includes information concerning the number of jobs that would be created by the contract, the minimum wage level for each type of job used to fulfill the contract, and efforts to retrain employees familiar with internal combustion engine vehicles; and

Whereas, The submission of a jobs plan would allow the Mayor to award ZEV contracts to bidders who provide the greatest beneficial citywide economic impact; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Mayor of New York City, when contracting for the purchase, operation, and maintenance of zero emission vehicles, to procure on the basis of best value.

AGB
LS #13066
9/22/2023