



Legislation Text

---

File #: Int 1040-2013, Version: A

---

Int. No. 1040-A

By Council Members Richards, Lander, Wills, Brewer, Chin, Dromm, Fidler, James, Mealy, Mendez, Rose, Vacca, Weprin, Williams, Recchia, Levin, Reyna, Van Bramer, Mark-Viverito, Gonzalez, Nelson, Eugene, Garodnick, Dickens, Palma, Barron, Rodriguez, Ulrich, Oddo, Arroyo, Ferreras, Jackson, Comrie, Koo, Vann, Koslowitz, Vallone, Lappin and Halloran

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a database to track the expenditure of funds in connection with recovery efforts in the wake of Hurricane Sandy.

Be it enacted by the Council as follows:

Section 1. Title 6 of the administrative code of the city of New York is amended by adding a new section 6-138 to read as follows:

§6-138. Reporting on the expenditure of Hurricane Sandy funds.

a. Definitions. For purposes of this section, the following terms shall have the following meanings:

(1) "Hurricane Sandy funds" means any federal funds, or local or state funds derived from federal funds, appropriated by Federal Public Law 113-2, an act making supplemental appropriations for the fiscal year September 30, 2013, to improve and streamline disaster assistance for Hurricane Sandy, that are administered or disbursed by the city and provided to a recipient in an amount exceeding one hundred thousand dollars to recover or rebuild from Hurricane Sandy.

(2) "Hurricane Sandy funded projects" means any construction, services, or programs, paid for, in whole or in part, with any Hurricane Sandy funds.

(3) "Recipient" means any person or entity, including any individual, sole proprietorship, partnership, association, joint venture, limited liability company, corporation or any other form of doing business, awarded Hurricane Sandy funds.

b. The City shall establish and maintain a public online searchable and interactive database on the website of the city that shall include summaries of the administration of Hurricane Sandy funds as set forth in this section. The data included in such database shall be available in a format that permits automated processing and shall be available without any registration requirement, license requirement or restrictions on their use, provided that the city may require a third party providing to the public any data from such database, or any application utilizing such data, to explicitly identify the source and version of the data, and a description of any modifications made to such data. The database shall include but not be limited to the following information:

(1) For each Hurricane Sandy funded project for construction, the name of the contractor, and subcontractor, if known, a detailed description of the Hurricane Sandy funded project, including, but not limited to, the physical address, block and lot numbers, estimated dates of start and completion, and purpose of the project in relation to the city's recovery and rebuilding efforts, the value and type of funding provided, including but not limited to grants, loans, contracts, or other such forms of financial assistance, the total number of jobs at the time of award of Hurricane Sandy funds, and the total number of additional jobs to be created and retained over the life of the Hurricane Sandy funded project. For Hurricane Sandy funded projects relating to the rebuilding or repairing of four or fewer residential units, data shall not include the physical address, block and lot numbers, site-specific dates of start and completion and the value and type of funding provided; any data provided for such projects shall be aggregated by zip code;

(2) For each executed city procurement contract associated with Hurricane Sandy funding, including, but not limited to, the name of the contract vendor, contract identification number, purpose of the contract, original contract value in dollars, revised contract value in dollars, if applicable, whether the bid was subject to public bidding, original contract start and end date, revised contract end date, if applicable, contract status, information on the contract recipient's qualification for receipt of Hurricane Sandy funds for a Hurricane Sandy funded project, and the total number and type of jobs to be expected to be created and retained over the life of the Hurricane Sandy funded project. For city procurement contracts related to the rebuilding or repairing of

four or fewer residential units, data shall not include information on the contract recipient's qualification for receipt of Hurricane Sandy funds for a Hurricane Sandy funded project if the recipient is a homeowner, tenant or resident of the affected units; and

(3) For each grant or loan issuance associated with Hurricane Sandy funding, including, but not limited to the recipient name, the purpose of the grant or loan, the grant or loan award amount, whether the grant or loan was subject to a selective award process and the nature of that process, grant or loan name, award status, information on the grant or loan recipient's qualification for receipt of Hurricane Sandy funds for a Hurricane Sandy funded project, and the total number and type of jobs to be expected to be created and retained over the life of the Hurricane Sandy funded project. For grants or loans related to the rebuilding or repairing of four or fewer residential units, data shall not include the grant or loan recipient's name or information on the recipient's qualification for receipt of Hurricane Sandy funds for a Hurricane Sandy funded project if the recipient is a homeowner, tenant or resident of the affected unit, and other grant or loan data provided for grants or loans related to the rebuilding or repairing of four or fewer residential units shall be aggregated by zip code;

c. In addition to the provisions of subdivision b of this section, the website shall also include:

(1) the total number of jobs at the time of award of Hurricane Sandy funds and the total number of additional jobs to be created and retained in each Hurricane Sandy funding program (in the case of Community Development Block Grant assistance) or for each agency (in the case of Federal Emergency Management Agency), aggregated by zip code, based upon the best practicable methodology for calculating such number over the life of the Hurricane Sandy funded project, including the number of permanent full-time employees, the number of temporary full-time employees, the number of permanent part-time employees, the number of temporary part-time employees, and the total number of contract employees;

(2) the percentage of employees on Hurricane Sandy funded projects earning up to twenty thousand dollars per year; the percentage of employees on Hurricane Sandy funded projects earning more than twenty thousand dollars per year up to thirty-five thousand dollars per year; the percentage of employees on Hurricane

Sandy funded projects earning more than thirty-five thousand dollars per year up to fifty thousand dollars per year; the percentage of employees on Hurricane Sandy funded projects earning more than fifty thousand dollars per year;

(3) the percentage of full-time employees on Hurricane Sandy funded projects and the percentage of part-time employees on Hurricane Sandy funded projects to whom their employers offer health benefits;

(4) the zip code of residence of employees on Hurricane Sandy funded projects and the zip code of the Hurricane Sandy funded project location on which the employee is employed, except that where the number of employees from one zip code is between one and five, the number of employees shall be replaced with a symbol;

(5) where the information is available, whether the recipient has, within the past ten years, been criminally convicted of any crime related to truthfulness or business conduct and the record of all sanctions imposed within the prior five years as a result of judicial or administrative disciplinary proceedings with respect to any professional licenses held by the recipient;

(6) where the information is available, whether the recipient participates in a union construction apprenticeship program and/or other local workforce development program, and, if any, the names of such programs;

(7) whether the recipient of Hurricane Sandy funds executed any legal documents subjecting any of the work to be done using such funds to the requirements of one or more prevailing wage laws;

(8) whether the Hurricane Sandy funded project is subject to and in compliance with Section 3 of the Housing & Urban Development Act of 1968; and

(9) a list of all contractors, and subcontractors performing work on the Hurricane Sandy funded project.

The provisions of this subdivision shall not apply to projects, grants or loans related to the rebuilding or

repairing of four or fewer residential units if the recipient is a homeowner, tenant or resident of an affected unit.

d. The provisions of this section shall not be construed to require the disclosure of information concerning contractors selected by recipients of Hurricane Sandy funds in relation to the rebuilding or repairing of four or fewer residential units where such recipients are homeowners, tenants or residents of affected units.

e. Notwithstanding the provisions of this section, the website required pursuant to this section shall not be used to distribute information which, if disclosed, would jeopardize compliance with local, state or federal law, threaten public health, welfare, or safety, or harm the competitive economic position of a party.

f. The public online database prescribed in subdivision b of this section shall be updated on a monthly basis.

g. This section shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this section shall not result in liability for the city. The city shall not be deemed to warranty the completeness, accuracy, content or fitness for any particular purpose or use of any information provided by the city pursuant to this section, including but not limited to information provided to the city by a third party or information provided by the city that is based upon information provided by a third party.

§2. This local law shall not require reporting on any contracts entered into prior to the effective date of this local law where the reporting requirements of this local law would require collecting information that is not available to the city, and cannot reasonably be obtained by the city.

§3. If any provision of this local law or the application thereof shall for any reason be adjudged by any court to competent jurisdiction to be invalid or unconstitutional, such judgment shall not effect, impair or invalidate the remainder of this local law.

§4. Data maintained pursuant to this local law shall also be subject to chapter 5 of title 23 of the administrative code, where such chapter is otherwise applicable.

§5. This local law shall take effect 90 days after its enactment into law, provided, however, that city agencies, officers and employees, including but not limited to the city chief procurement officer, shall take such

actions as are necessary for its implementation prior to such effective date.

SKM

LS #4409

4/22/13

Amended by TE 12-9-13