



Legislation Text

File #: Int 1238-2018, **Version:** A

Proposed Int. No. 1238-A

By Council Members Rosenthal, Kallos and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to requiring additional disclosure of large contract modifications

Be it enacted by the Council as follows:

Section 1. Section 6-133 of Chapter 1 of title 6 of the administrative code of the city of New York is amended to read as follows:

§ 6-133. Notification of project cost increases.

a. For the purposes of this section, "agency" means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

b. If an agency that has entered into a contract for construction and/or services with a maximum expenditure of more than ten million dollars in connection with a project included in the capital budget enters into a contract modification or extension that results in a total revised maximum expenditure that exceeds the original contract maximum expenditure by twenty percent or more, the mayor shall notify the council of such contract modification or extension, including a detailed explanation of the reasons for such modification or extension which shall include but need not be limited to:

i. a detailed breakdown [details of the basis for and scope] of the [estimated] additional costs and a detailed explanation of the changes in the scope of work set forth in the original contract;

ii. the reasons for such additional costs and changes in scope including why such additional costs and

changes in scope were not anticipated when the original contract was awarded, and whether such additional costs and changes in scope were the result of contractor design errors or omissions; and whether such additional costs and changes in scope were caused by the agency that entered into the contract;

iii. whether the contractor has entered into other contracts with city agencies which were subject to modifications or extensions; and

iv. the total number of proposals that were submitted prior to awarding the original contract.

c. Once such notification has been provided for a contract, any additional modifications or extensions of such contract that increase the maximum expenditure by the lower of more than ten percent over the total revised maximum expenditure or by ten million dollars or more, shall trigger new notification to the council.

d. Notifications pursuant to this section shall be provided on a quarterly basis sorted by project within forty-five days of the end of the calendar quarter within which the comptroller registered such contract action, except that notification for contract modifications or extensions that exceed the original contract maximum expenditures by twenty percent or more shall be provided to the council at the same time as such contract modifications or extensions are submitted to the comptroller for registration.

§2. This local law takes effect 60 days after it becomes law.

ARP
LS 4877
2/8/19 5:06 PM