

Procurement Policy Board

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Procurement Policy Board (PPB) is proposing changes to the PPB Rules to update the language for agency purchasing of subscriptions, both electronic and paper.

When and where is the hearing? The PPB will hold a public hearing on the proposed rule. The public hearing will take place June 7, 2023, at 11:00am. The hearing will be at 255 Greenwich St, 9th Floor in the Borough of Manhattan.

The public may also access and participate in the hearing via Internet or telephone.

- To join the public hearing via Internet, please follow the meeting link:
<https://nycmocs.webex.com/nycmocs/j.php?MTID=m35b665df4e1d7b3f29c3f93fe6ed5d37>

Meeting Number: 2332 374 8588

Meeting Password: m7ZPFRv6UX8 (67973786 from phones and video systems)

- To join the public hearing via telephone, please dial:
+1-646-992-2010 United States Toll (New York City)
+1-408-418-9388 United States Toll

Access code: 233 237 48588

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the PPB through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to ppb@mocs.nyc.gov.
- **Mail.** You can mail comments to:

Attn: Procurement Policy Board
Mayor's Office of Contract Services
255 Greenwich St, 9th Floor
New York, NY 10007

- **By speaking at the hearing (in person).** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing ppb@mocs.nyc.gov, or calling (212) 298-0624. You can also sign up in the hearing room, or via the meeting link, above, before the hearing begins on June 7,

2023. While there will be an opportunity during the hearing to indicate that you would like to comment, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? The deadline to submit written comments will be June 7, 2023.

What if I need assistance to participate in the hearing? You must tell the Disability Service Facilitator if you need a reasonable accommodation of a disability at the hearing, including, but not limited to, a sign language interpreter. You can contact the Disability Service Facilitator by email at DisabilityAffairs@mocs.nyc.gov, by telephone at (212) 298-0743 or by mail at the address provided above with an attention line to “Disability Service Facilitator.” Advance notice is requested to allow sufficient time to arrange the accommodation. Please notify the Disability Service Facilitator at least five (5) business days in advance of the hearing.

This location has the following accessibility option(s) available: Wheelchair accessibility.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Within a reasonable time after the hearing, copies of all written comments and a summary of oral comments concerning the proposed rules will be available to the public on MOCS’ website at <https://www.nyc.gov/site/mocs/legal-forms/transcripts-and-reports.page> and at MOCS’ office located at 255 Greenwich St, 9th Floor, New York, NY 10007.

What authorizes the PPB to make these rules? Sections 1043 and 311 of the New York City Charter authorize the PPB to make the proposed rules. This proposed rule was not included in the PPB’s regulatory agenda for this Fiscal Year because it was not contemplated when the PPB published its agenda.

Where can I find the PPB’s rules? The PPB’s rules are in Title 9 of the Rules of the City of New York.

What laws govern the rulemaking process? The PPB must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the New York City Charter.

Statement of Basis and Purpose of Proposed Rule

This proposed Procurement Policy Board Rule (PPB) amendment would update the provisions of the PPB Rules relating to subscription purchasing to account for modern technologies and changes in industry practices.

The PPB is proposing an amendment to PPB Rule § 1-02(f)(5) that would streamline the process for agencies to purchase physical and electronic subscriptions, by clarifying and broadening the definition of subscriptions, thereby allowing agencies to purchase necessary books, periodicals, training, and training materials outside of the procedures set forth in the PPB Rules.

The PPB's authority to promulgate these rules is found in section 311 of the New York City Charter. On April 27, 2023, the PPB voted to initiate the rulemaking process under the Citywide Administrative Procedure Act for this rule amendment.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

SECTION 1. PARAGRAPH (5) OF SUBDIVISION (f) OF SECTION 1-02 OF TITLE 9 OF THE RULES OF THE CITY OF NEW YORK IS AMENDED TO READ AS FOLLOWS:

(5) subscriptions[, including] to research databases; paper or electronic subscriptions[,] for magazines, [and] newspapers, other periodicals, [orders for] or books [and “] ; off-the-shelf[”] training [videotapes,] materials including, but not limited to, webcasts, courses, programs, videos, and assessments; and attendance at standard commercially-available training seminars or subscriptions to organizations providing such seminars.

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS

253 BROADWAY, 10th FLOOR

NEW YORK, NY 10007

212-788-1400

CERTIFICATION / ANALYSIS

PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of Rules for Procurement of Subscriptions and Training Materials

REFERENCE NUMBER: MOCS-22

RULEMAKING AGENCY: Mayor's Office of Contract Services

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro

Mayor's Office of Operations

May 1, 2023

Date

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

100 CHURCH STREET

NEW YORK, NY 10007

212-356-4028

CERTIFICATION PURSUANT TO

CHARTER §1043(d)

RULE TITLE: Amendment of Rules for Procurement of Subscriptions and Training Materials

REFERENCE NUMBER: 2023 RG 023

RULEMAKING AGENCY: Procurement Policy Board

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: April 28, 2023

Senior Counsel