

to provide equal employment opportunity to all employees and applicants for employment and training on construction projects.

"(B) Local Law No. 49, dated July 27, 1984, and the implementing rules and regulations requiring that construction contractors who subcontract, subcontract to locally Based Enterprises".

(C) That no less than the minimum salaries and wages, plus fringe benefits as set forth in the contract documents must be paid as per contract agreements and amendments to agreements.

(D) Mayor's Executive Order No. 89, dated July 21, 1977—Information regarding apprenticeship programs and health, welfare and pension plans to be submitted with each bid on New York City construction contracts.

REGULATIONS RELATING TO CONTRACTS

Adopted by the Board of Estimate June 30, 1949 (Cal. No. 318-A) as amended April 12, 1951 (Cal. No. 461), January 29, 1953 (Cal. No. 238), March 26, 1953 (Cal. No. 33), July 23, 1953 (Cal. No. 53), December 17, 1953 (Cal. No. 258), June 24, 1954 (Cal. No. 299), May 26, 1955, (Cal. No. 418), March 22, 1956 (Cal. No. 235), April 26, 1956 (Cal. No. 158), May 14, 1959 (Cal. No. 251), May 12, 1960 (Cal. No. 126), April 27, 1961 (Cal. No. 419), May 25, 1961 (Cal. No. 352), June 12, 1962 (Cal. Nos. 169 and 169-A), June 13, 1963 (Cal. No. 57), May 28, 1964 (Cal. No. 209), May 20, 1965 (Cal. No. 163, June 20, 1968 (Cal. No. 312), June 12, 1969 (Cal. No. 60), May 21, 1970 (Cal. No. 110), March 25, 1971 (Cal. No. 100), May 29, 1971 (Cal. No. 331), October 12, 1972 (Cal. No. 317), April 12, 1973 (Cal. No. 294), May 23, 1974 (Cal. No. 156), March 20, 1975 (Cal. No. 178), April 8, 1976 (Cal. No. 266), May 24, 1977 (Cal. Nos. 185 and 187), May 25, 1978 (Cal. No. 437), January 25, 1979 (Cal. No. 153), April 24, 1980 (Cal. No. 214) April 9, 1981 (Cal. No. 152), April 1, 1982 (Cal. No. 185), January 13, 1983 (Cal. No. 202), October 4, 1984 (Cal. No. 298), (Cal. No. 256) and (Cal. No. 390) August 14, 1986

§1. Advertisements, proposals and bids.

(a) Bids for contracts shall be solicited by public advertisements in at least ten successive issues of THE CITY RECORD except that bids for contracts for the procurement of supplies and materials, and the procurement of rental of equipment to be made by or through the Division of Municipal Supplies, may at the discretion of the Commissioner of the Division of Municipal Supplies, be advertised in at least seven consecutive issues of THE CITY RECORD. Bids shall be publicly opened on the day of the last insertion of the advertisement.

(b) Except with the approval of the Corporation Counsel, the advertising shall include only:

1. The place where the contract documents may be obtained;
2. The place where and the day and the hour when the bids will be publicly opened;
3. A brief description of the supplies, materials and equipment to be furnished and of the work or labor to be done.

(c) Proposals for bids shall be in such form as may be prescribed by the agency issuing the same and shall state:

1. That the person making the bid shall deliver it in a sealed envelope, addressed to the head of the appropriate agency on or before the time and at the place designated in the advertisement;
2. That the sealed envelope shall be endorsed with the name or names of the person or persons presenting the same, the date of its presentation and the title of the proposals;
3. The place where and the day and hour when the bids will be publicly opened;
4. The quantity and quality of the supplies, materials or equipment to be furnished and the nature and extent of the

bids shall not be postponed if the Comptroller or his representative shall, after due notice, fail to attend.

(g) The regulations shall be published in THE CITY RECORD daily. All advertisements for bids by any one agency appearing in any one issue of THE CITY RECORD shall be published in sequence by date of opening and shall refer to this regulation as advertised in THE CITY RECORD. Such reference shall immediately follow the name of the agency.

§4. Security.

(c) The Commissioner of the Division of Municipal Supplies in his discretion may dispense with the use of performance and completion bonds and labor and material bonds on purchase contracts where he deems it so advisable. Any agency head, in his discretion may dispense with the use of performance and completion bonds and labor and material bonds prior to bidding for any contract for construction, excavation, erection, reconstruction or alteration, modernization, repair, maintenance and landscaping work involving an expenditure not in excess of fifty thousand dollars (\$50,000).

§9. Purchase orders in excess of \$5,000.

(a) Medical, surgical, dental, laboratory supplies and implements and food supplies involving an expenditure of more than \$5,000 may be procured on purchase orders based on bids which permit of competition received after advertising in at least three successive issues of THE CITY RECORD.

(b) Genuine repair parts involving an expenditure of more than \$5,000 may be procured on purchase orders based on bids received after advertising in at least three successive issues of THE CITY RECORD.

(c) Rentals of equipment involving an expenditure of more than \$5,000 for other than snow removal purposes may be effected by the Division of Municipal Supplies on purchase orders based on the bids which permit competition received after advertisement in at least ten successive issues of THE CITY RECORD. Rentals of equipment for snow removal purposes shall be effected in accordance with Section 755(3)1.0 of the Administrative Code.

§10. Emergency purchases.

(c) Supplies, materials, equipment or services requisitioned in an emergency and which involve an amount in excess of \$5,000 may be procured on purchase orders based upon bids which permit of competition received after advertising in such number of issues of THE CITY RECORD as shall be approved by the Corporation Counsel. However, in a special case, the Commissioner, with the approval of the Corporation Counsel, may dispense with the advertising. In such case the Commissioner shall certify in writing the reasons why advertising should not be required. Nor purchase may be made under the subsection unless the using agency shall first have certified to the Commissioner of the Division of Municipal Supplies all facts constituting the emergency.

§15. Purchases exempt from the regulations in Section 1 and Section 9.

The provisions of Section 1 and Section 9 of these regulations shall not apply to the purchase of any supplies, materials, equipment or service by any contracting officer, when the contracting officer shall certify, in writing, that a proposal for the supplies, materials, equipment or service had been advertised under Section 1 or 9 of these regulations, within the past ninety days, and that no bid or no acceptable bid was received.

Such supplied, materials, equipment or service after certification as herein provided, may be procured by the contracting officer in the open market, and such purchase shall be subject to audit by the Comptroller, pursuant to Section 93d-1.0 of the Administrative Code.

The contracting officer, if he deems it advisable, may advertise such proposals in THE CITY RECORD for a determined number of days.

The certificate of the contracting officer provided herein must be filed in the contracting office and with the Comptroller.

In all instances every bidder on the original proposal advertised under Section 1 or Section 9 of these regulations must be invited to resubmit a bid on the proposal which is let under this section.

This section shall expire June 30, 1989. The request for a renewal from the contracting agency may not be for a period exceeding one year.

OFFICE OF THE MAYOR

Executive Order No. 113
January 19, 1988

The City Record
Jan. 29, 1988
P416-417

PROHIBITION OF THE PURCHASE OF PRODUCTS
MADE OF POLYSTYRENE FOAM

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. All mayoral agencies are prohibited from the purchase of products made of polystyrene foam, commonly known as "styrofoam".

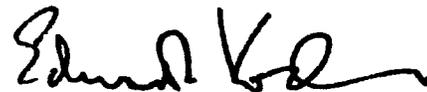
Section 2. The Department of General Services and all purchasers of polystyrene foam products for use by mayoral agencies are directed to substitute non-disposable goods or paper products for polystyrene foam products. Whenever possible, these paper products should be made from recycled materials.

Section 3. The private purchase by City employees of polystyrene foam products for use at office functions, such as office parties, is discouraged.

Section 4. The Department of General Services is directed to assist each agency in identifying and purchasing appropriate products which comply with this order.

Section 5. If an agency determines that its use of a particular polystyrene foam product is essential to its function, it must seek a written exemption from the Commissioner of the Department of General Services. Such written exemption must demonstrate that all possible alternatives have been considered and none have been found to satisfy the requirements of the agency. Such exemption must be renewed annually.

Section 6. Effective date. This Order shall take effect ninety days after it is issued.



Edward I. Koch
M A Y O R

DEPARTMENT OF PERSONNEL

Proposed Amendment to Classification

PUBLIC NOTICE IS HEREBY GIVEN of the proposed amendment to the Classification of the Classified Service of the City of New York by adoption of the resolution hereinafter specified.

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