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THE CITY OF NEW YORK
DEPARTMENT OF SMALL BUSINESS SERVICES
CAPA
PUBLIC HEARING

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September 28, 2023
11:01 a.m.

Held Remotely
via Teleconference

Julia M. Speros
Court Reporter

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A P P E A R A N C E S:

Department of Small Business Services
Shormina Ahmed, Associate General Counsel

PROCEEDINGS

1
2 MS. AHMED: Good morning. Today is
3 September 28, 2023. The time is
4 11:01 a.m. Welcome to the New York City
5 Department of Small Business Services
6 virtual hearing.

7 This public hearing is being held in
8 accordance with the New York City
9 Administrative Procedure Act, also known
10 as "CAPA". My name is Shormina Ahmed.
11 I am Associate General Counsel at SBS.

12 Today's hearing concerns the
13 proposed rule amendment to Chapter of 10
14 of Title 66 of the Rules of the City of
15 New York. The full text of the rule
16 proposal, and a statement of the basis
17 and purpose, were published in The City
18 Record on August 24, 2023 and on the New
19 York City Rules website.

20 The proposed rule concerns the
21 City's program for the promotion of
22 equal employment opportunity in
23 contracts awarded by the City. This was
24 published to ensure that City
25 contractors comply with equal employment

1 opportunity requirements of city, state,
2 and federal law.

3 The program requires that
4 contractors doing business with the City
5 submit an Employment Report to the
6 Division of Labor Services, the
7 "Division", a division of SBS.

8 An Employment Report is a report
9 that outlines a contractor's employment
10 practices and related information so the
11 City can ensure the contractor is
12 promoting equal employment
13 opportunities. Contractors are required
14 to submit an Employment Report for each
15 covered contract awarded to them.

16 After review of an Employment
17 Report, and any other required
18 documentation, the Division issues a
19 certificate of compliance to contractors
20 found in compliance with equal
21 employment opportunity requirements.

22 The proposed rule would amend the
23 process by which the City monitors
24 compliance and enforces contractor
25 compliance with equal employment

1 opportunity requirements set forth in
2 the Appendix to Chapter 10 of Title 66
3 of the Rules.

4 Specifically, the proposed rule will
5 amend Section 10-03 to extend the time
6 from 12 months to 36 months, that a
7 valid certificate of compliance for
8 covered supply and service contract may
9 be used to exempt the contractor from
10 the requirement to submit an Employment
11 Report; and then Section 10-05, to give
12 the Division discretion in deciding when
13 to hold pre-award conferences for
14 contracts for which an Employment Report
15 is requires; and then Section 10-07 to
16 allow the Division, when providing
17 notice to a contractor that it has
18 failed to file or complete an Employment
19 Report, or has filed an Employment
20 Report with substantial
21 misrepresentation, that these notices be
22 provided by email; and then various
23 sections of Chapter 10 to update
24 references to EO 50, 50 which is
25 published in the Appendix to Chapter 10,

1 and remove a reference to the Board of
2 Estimates.

3 This summarizes the amendment.

4 At this time, we will allow members
5 of the public to testify and provide
6 their comments.

7 We have not received any requests to
8 comment today, so if anybody who is
9 present here and would like to testify,
10 can do so by raising (sic) the raise
11 hand feature or un-muting themselves and
12 stating their name and affiliation.

13 Is there anyone who wishes to
14 testify today?

15 (No response.)

16 MS. AHMED: Can everyone hear me?

17 THE COURT REPORTER: Yes.

18 MS. AHMED: Okay. Thank you, Madam
19 Reporter.

20 Is there anyone who wishes to
21 testify today -- who is present and that
22 would like to testify?

23 (No response.)

24 MS. AHMED: If you'd like, we can
25 take a short break and wait for others

1 to join.

2 I can stop the record at 11:05 and
3 we can resume at 11:15 and see if anyone
4 wishes to testify.

5 I will pause the record at this time
6 and we will resume at 11:15 to see if
7 anyone else who would like to join
8 (sic), and would like to participate,
9 and testify.

10 I will pause the record at this
11 time.

12 (Recess taken.)

13 MS. AHMED: Is there anyone who
14 wishes to testify?

15 (No response.)

16 MS. AHMED: Can everyone hear me?

17 THE COURT REPORTER: Yes.

18 MS. AHMED: Okay. Thank you, Madam
19 Reporter for confirming.

20 (Recess taken.)

21 MS. AHMED: Does anyone wish to
22 testify?

23 If you wish to testify, you may
24 un-mute yourself or raise your hand.

25 Again, we will resume again at

1 11:15, but if anyone is on the call
2 right now that would like to testify,
3 you may do so by un-muting yourself.

4 Thank you.

5 (No response.)

6 (Recess taken.)

7 MS. AHMED: Okay. The time is 11:15
8 a.m. Is there anyone that would like to
9 testify?

10 (No response.)

11 MS. AHMED: Is there anyone that
12 would like to testify?

13 If you wish to testify, you may
14 un-mute yourself or use the raise hand
15 feature.

16 (No response.)

17 MS. AHMED: Again, is there anyone
18 that wishes to testify?

19 (No response.)

20 MS. AHMED: Seeing there is no one
21 who wishes to testify, we will close the
22 hearing.

23 If you would like to submit comments
24 in writing, you can do so by 5 p.m.
25 today.

1 Thank you for joining and we're
2 closing the record. The time is
3 11:15 a.m. Thank you again.

4 This meeting has been ended.

5 (Time noted: 11:15 a.m.)

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CERTIFICATION

I, JULIA M. SPEROS, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome
of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 28th day of September,
2023.



Julia M. Speros