

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2020**

No. 37

Introduced by Council Members Lander, Brannan, Rosenthal, Gibson, Kallos, Reynoso, Powers, Van Bramer, Ayala, Menchaca, Rose, Perkins, Rivera, Richards, Levin, the Public Advocate (Mr. Williams), Ampy-Samuel, Holden, Chin, Levine, Constantinides, Adams, Cumbo, Koo, Moya, Treyger, Grodenchik, Yeger, Deutsch, Cohen, Cabrera, Barron, Maisel and Ulrich.

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to the creation of a database to track capital projects citywide, and to repeal section 18-145 of such administrative code

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 219 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

d. The mayor shall require each agency to prepare and submit periodic reports in regard to the progress of its capital projects, including schedules and clear explanations of any delays for particular projects and summary information on each agency's record on such matters. Such reports shall be published at least three times each year: [within ninety] *no later than 120 days [of] after the adoption of the capital budget; [with] no later than 30 days after submission of the preliminary capital budget; and [with] no later than 30 days after submission of the executive capital budget.* Copies of such reports shall be transmitted by the mayor to the council, the city planning commission, [and] the community boards, the borough boards and borough presidents, *and posted online on the website of the office of management and budget in a machine-readable*

format. Such reports shall include, for each project, the dates set in the adopted capital budget for the completion of scope, design, and construction and any changes in such dates.

§ 2. a. Definition. For purposes of this section, the term “public online capital projects database” means a public online searchable and interactive database that contains information relating to capital projects undertaken by the city and located within the boundaries of the city and that is located on a website maintained and operated by a city agency selected by the mayor.

b. There shall be an interagency task force consisting of representatives from the office of management and budget, the mayor’s office of operations, the department of parks and recreation, the department of environmental protection, the department of transportation, the department of design and construction, the department of information technology and telecommunications, and any other agencies or offices that the mayor deems appropriate. Such task force shall create and implement a public online capital projects database.

c. There shall be a public online capital projects database advisory board that shall advise the task force provided for in subdivision b of this section on the development of the public online capital projects database. The advisory board shall meet biannually, or as the advisory board deems appropriate, to receive any updates from the task force regarding its progress in developing the public online capital projects database and to provide feedback and recommendations to the task force, as appropriate. The advisory board shall have seven members who shall be:

1. one member appointed by the mayor;
2. the director of management and budget, or his or her designee;
3. the director of the office of operations, or his or her designee;
4. the commissioner of design and construction, or his or her designee;

5. the comptroller, or his or her designee; and

6. two council members appointed by the speaker of the council, or their designees.

d. The task force shall initiate coordination of development of the public online capital projects database no later than 60 days after the local law that added this section takes effect.

e. The task force provided for in subdivision b shall:

1. develop a data dictionary for the public online capital projects database that includes, but is not limited to, standardized terms, data elements, labels and fields, and phase of the capital construction process;

2. review and assess existing capital management systems and databases at all agencies that manage capital projects, including the useful lifespan of any tangible or intangible assets supporting such systems and databases;

3. develop and implement a plan to review the accuracy of data included in existing capital management systems and databases, and enter such data as the task force deems to be accurate and appropriate into the public online capital projects database, provided that such data shall include, but not be limited to, information that the task force deems relevant and appropriate contained in the reports required pursuant to subdivision d of section 219 of the New York city charter;

4. make recommendations for new or improved integrated capital management systems and databases;

5. establish mechanisms to merge and transfer data, including but not limited to, data contained in existing capital management systems and databases, into the public online capital project database; and

6. take other steps deemed necessary by the task force to create and implement the public online capital projects database.

f. To the extent deemed practicable by the task force, the public online capital project database developed by the taskforce with advice and recommendations from the advisory board, as appropriate, shall include for each pending capital project undertaken by the city and located within the boundaries of the city:

1. the name of the capital project and the borough in which such project will be located;
2. the agency implementing the capital project and any agencies contributing capital funds for such capital project;
3. the current phase of the capital project;
4. information regarding the capital project's schedule, such as the baseline project schedule and, if applicable, the actual schedule variance and the schedule variance as a percentage of the planned duration of the project; and
5. information regarding the capital project's cost, such as the current dollar amount spent to date and, if applicable, the actual cost variance and the cost variance as a percentage of the baseline cost.

§ 3. Chapter 1 of title 5 of the administrative code of the city of New York is amended by adding a new section 5-108 to read as follows:

§ 5-108. Public online capital project database. Upon the publication of the public online capital projects database created by the taskforce established by section two of the local law that added this section, an agency or office designated by the mayor shall maintain such public online capital projects database on the city website, and update the information contained in such

database on a triannual basis pursuant to a schedule determined by such agency or office, and may otherwise modify the database as deemed appropriate by such agency or office consistent with the substantial continuation of the content of the database. Any agency implementing a capital project for which information or data is published in the public online capital projects database shall include a link to the website containing the public online capital projects database on such agency's website.

§ 4. Section 18-145 of the administrative code of the city of New York is REPEALED.

§ 5. This local law takes effect immediately, except that section two of this local law expires and is deemed repealed after the publication of the public online capital projects database developed pursuant to such section and section four takes effect upon such publication, provided that such database contains information and data, consistent with the content and format of such database, regarding the capital projects within the jurisdiction of the department of parks and recreation. Upon publication of the public online capital projects database, including such information and data in relation to the department of parks and recreation, the mayor's office of operations shall notify the corporation counsel, who shall notify the New York state legislative bill drafting commission, so that the commission may maintain an accurate and timely effective database of the official text of the administrative code of the city of New York in furtherance of effectuating the provisions of section 70-b of the public officers law, and relevant publishers in furtherance of effectuating the provisions of section 7-111 of such code. The failure to provide the notifications described in this section shall not affect the effective date of any section of this local law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 11, 2020 and returned unsigned by the Mayor on March 13, 2020.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 37 of 2020, Council Int. No. 113-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.