

An entity is considered “Doing Business” with the City, and is therefore subject to contribution limits outlined in Local Law 34, if it meets any of the following criteria:

- holds and/or proposes on  $\geq$ \$100,000 in goods/services contracts, franchises, or concessions;
- holds and/or proposes on  $\geq$ \$500,000 in construction contracts;
- holds  $\geq$ \$100,000 in grants;
- holds any pension investment or debt-related contract;
- holds any economic development agreement;
- is participating in any real property or land-use action

Individuals are considered to be “Doing Business” with the City if they are associated in the following capacities with an entity that meets the “Doing Business” criteria:

- Principal Officers: CEO, CFO, COO
- Principal Owners (10% or more)
- Senior Managers with substantial discretion over the entity’s business with the City

***NEW IN 2018: ORGANIZATIONS THAT OWN 10% OR MORE OF THE ENTITY ARE ALSO LISTED ON THE DOING BUSINESS DATABASE***

To populate the Doing Business Database (DBDB), DBA combines two streams of information:

- Transaction information (e.g., transaction ID, start/stop date, \$ value) – this information comes from FMS, agency spreadsheets and proposer coversheets
- Entity information – this information comes from Doing Business Data Forms collected from all entities participating in covered transactions

**AGENCY INSTRUCTIONS – TRANSACTION TYPES AND THE DOING BUSINESS DATABASE**

**Transactions Covered**

Contracts:

- ~ Request for Proposals
- ~ Sole Source
- ~ Negotiated Acquisition
- ~ Intergovernmental Purchase (OGS/GSA)
- ~ Small Purchase
- ~ Purchase Order
- ~ Any purchase using a Prequalified List (inc. CSB)
- ~ Renewal, regardless of original award method
- ~ Amendment/Change Order affecting value or duration
- ~ Line Item Appropriation (Discretionary)
- ~ Required Method/Source
- ~ “Best Value” Competitive Sealed Bid
- ~ Micro-Purchase  $>$ \$5,000

Concessions

Franchises

Grants

Economic Development Agreements

Pension Investment Contracts

Land Use Actions

Real Property Transactions

**Transactions NOT Covered**

Contracts:

- ~ “Conventional” Competitive Sealed Bid
- ~ Any contract  $\leq$ \$5,000, regardless of method
- ~ Emergency Procurement (per PPB Rule 3-06)
- ~ Govt-to-Govt Purchase (e.g., PPB Rule 3-13)
- ~ Purchase off City Requirements Contract
- ~ Amendments to the above transaction types
- ~ Transaction specified in PPB Rule 1-02(f): utility and cable services, dues, subscriptions, training seminars

Concessions:

- ~ “Conventional” Competitive Sealed Bid

Franchises, Concessions and Grants:

- ~  $\leq$  \$5,000

Economic Development Agreements:

- ~ Incentive qualified for by operation of law

Real Property and Land Use:

- ~ “Conventional” Competitive Sealed Bid or Public Auction
- ~ Watershed Acquisition
- ~ 1, 2 and 3 Family Owner-Occupants
- ~ Neighborhood Associations (land use only)

All solicitations issued for contracts, franchises and concessions covered by LL 34 must include:

1. The Notice to Vendors: Pursuant to Local Law 34 of 2007 that amended the City's Campaign Finance Law, the City established a computerized database containing the names of any "person" that has "business dealings with the city" as such terms are defined in the Local Law. In order for the City to obtain necessary information to maintain the database, vendors responding to this solicitation are required to complete the attached Doing Business Data Form (DBDF) and return it with this *[bid] [proposal] [submission]*. (If the responding vendor is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a DBDF.) If the City determines that a vendor has failed to submit a DBDF or has submitted a DBDF that is not complete, the vendor will be notified by the agency and will be given four (4) calendar days from receipt of notification to cure the specified deficiencies and return a complete DBDF to the agency. Failure to do so will result in a determination that the *[bid] [proposal] [submission]* is non-responsive. Receipt of notification is defined as the day notice is e-mailed or faxed (if the vendor has provided an e-mail address or fax number), or no later than five (5) days from the date of mailing or upon delivery, if delivered.

**New for 2018: Organizations which hold 10% or more ownership of the entity must now be reported. Beginning in January 2018, an entity must submit a DBDF that certifies whether one or more organizations own or control 10% or more of the entity. Until such a DBDF has been received by Doing Business Accountability, a DBDF submitted with a filing status of No Change will not be accepted. To determine if Doing Business Accountability has received such a certification from your entity, contact [doingbusiness@mocs.nyc.gov](mailto:doingbusiness@mocs.nyc.gov) or at 212-788-8104.**

2. Doing Business Data Form with Agency Name and Transaction ID (e.g. PIN, Contract number, PO number, etc.) filled in, Proposal box checked and Transaction Type indicated.
3. Doing Business Data Form Q&A to answer commonly asked questions.

**Proposers:** All proposers must submit a DBDF with their proposals. Agencies must review submitted DBDFs for completeness using the Agency Review Guidelines. If a submitted DBDF is missing or incomplete, the agency must notify the vendor (Cure Notice) and allow the vendor four calendar days to submit a complete DBDF. When the four-day period begins depends on how the vendor is notified:

- E-mail: If the vendor has provided an e-mail address on the Data Form, the agency may notify the vendor by e-mail. The four-day clock starts when the e-mail is sent successfully.
- Delivery Service: The four-day clock starts on the date of delivery.
- US Mail: The four-day clock starts on the delivery date (if known) or five days from the mailing date, whichever is earlier.
- Telephone: As always, the agency may obtain missing data from a vendor by phone. However, telephone communication does not constitute legal notice, so unless the matter is resolved immediately the agency must use one of the aforementioned notice methods.

If the agency is unable to obtain a complete DBDF within this time frame, the proposal must be found non-responsive and its DBDF should be disposed of appropriately. For assistance in obtaining information from a critical proposer, contact DBA.

Agencies must batch all responsive DBDF by Transaction ID (PIN), attach the DBA Project Coversheet for Proposer Data Forms and forward the batch to Doing Business Accountability, 253 Broadway, 9th floor, New York, NY 10007, or via email at [doingbusiness@mocs.nyc.gov](mailto:doingbusiness@mocs.nyc.gov).

**Awardees:** All awardees must submit a DBDF prior to receiving an award. A DBDF for an award made after a competitive solicitation such as an RFP should never be the first DBDF filed by that entity (see above about Proposers). A DBDF for a micropurchase should always be completed and submitted to the Agency prior to the purchase. Agencies must review submitted Data Forms for completeness using DBA review guidelines and may cure missing or incomplete forms at any time prior to making an award. No award can be made to a vendor that has not submitted a complete Data Form. There is no Coversheet for Awardee forms.

Doing Business Data Forms from non-responsive vendors or from cancelled procurements: If a vendor is found non-responsive for reasons unrelated to LL 34, or if a procurement is cancelled, the agency must review all DBDFs submitted. If a DBDF is complete, it must be submitted to DBA, marked as "Non-Responsive" or "Procurement Cancelled." Incomplete DBDFs should be disposed of appropriately; a Cure Notice is not required.