

Making Contracts Work

by Robert Jackson
Monday, October 20, 2003 12:00 AM -

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On Election Day, New Yorkers should vote "no" on ballot proposal number four that will amend the city's purchasing rules.

The first problem with the proposal is the process.

The mayor is trying to put things in place through a charter referendum that can be done by appropriate legislation. Only when the City Charter, which is the constitution of the city, needs to be revamped should we consider a charter referendum.

Legislation is the City Council's job, and we have put together a package of 13 bills that deal with procurement reform. These bills will:

- Streamline the city's contracting process
- Establish professional standards and time limits for contract approval
- Ensure that service providers and non-profits are paid in a timely manner
- Require uniform time frames for contracts to be executed so that all contractors are treated equally.

As the chair of the City Council committee on contracting, I have been trying to work with the mayor's office on these issues for the last two years. They have continued to delay. All of a sudden, instead of coming and talking with the City Council, the administration is trying to roll things into a referendum. That is not the way business is done in the city. We must use the legislative processes that are already in place.

The second issue is the substance of some of the mayor's proposals for changing how the city does contracting.

For example, the mayor proposes eliminating the open bidding process if he feels that an item raises concerns about the "security of the city or its citizens." In that case, the public won't even be told about the contract.

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I have a number of questions about this security provision: How will the mayor determine if the information will be detrimental to the security of the city? How would "security" be defined? How is the council supposed to do oversight on security-related purchases?

Another article in the question would eliminate a provision requiring contractors to provide a report on business practices, such as collective bargaining agreements, to ensure that contractors meet all laws. I fear that this would give too much power to the commissioners and not enough assurance that the companies the city does business with are following local, state, and federal laws.

Finally, the charter commission and the mayor have not done enough to education voters about these ballot proposals.

Perhaps the mayor thinks that voters will not pay much attention. But the wool is being pulled over the voters' eyes. Recently, the City Council held a public hearing where we invited the chairman of the mayor's charter commission, Frank Macchiarola, and commissioners to come and answer questions regarding contracting issues for the public. They did not come.

At the hearing, I read a series of questions that I would have asked the chairman, the commissioners, their counsel, or anyone from the mayor's office. But no one came, so I read the questions to an empty chair with a sign with the commissioner's name on it.

In my opinion, the charter commission is avoiding public discussion and debate on this issue. It is the City Council's responsibility to hold oversight hearings. But we need to ask why did the commission not come, and why won't they answer these questions for the public.

Councilmember Robert Jackson represents district 7 in Washington Heights and is the chairman of the City Council contracting committee.

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