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Date: March 22, 2023  
From: New York City Department of Education  
By: Elisheba Lewi, Chief Procurement Officer  
RE: Administrative Code §6-129 Subcontracting Goals

## Notice

Pursuant to New York Education Law § 2590-h(36), the New York City Department of Education (NYCDOE) is authorized to develop policies governing its procurements. Education Law § 2590-h(36)(a)(iii) provides that such procurement policies shall include measures to enhance the ability of minority and women owned business enterprises (M/WBEs) to compete for contracts and to ensure their meaningful participation in the NYCDOE procurement process. NYCDOE has the authority to use some of the same measures to enhance the participation of M/WBEs as are available to the City of New York, including the measures established under New York City Administrative Code § 6-129.

On November 30, 2022, the Panel for Education Policy voted to approve changes to the NYCDOE's Procurement Policy and Procedures (PPP) focused on increasing opportunities for M/WBEs, in order to reduce discrimination in the market where NYCDOE conducts its procurements.

A key change to the PPP included the incorporation of subcontractor goal procedures based on those established under Administrative Code § 6-129. However, these subcontractor goal procedures, set forth under PPP § 1-07, do not take effect automatically; rather, these goals take effect upon issuance of a written determination by the NYCDOE Chief Procurement Officer that it is appropriate to begin applying such subcontracting goals to procurements pursuant to the procedures set forth in Administrative Code § 6-129 and PPP § 1-07, and the posting of such written determination on the NYCDOE website.

As the Chief Procurement Officer of NYCDOE, I have determined that it is appropriate to apply such subcontracting goals pursuant to these provisions, and pursuant to this notice of such determination, such goals shall take effect as of March 27, 2023.

The full text of the PPP Rules can be found at this link:

<https://infohub.nyced.org/docs/default-source/default-document-library/departamentofeducationprocurementpolicyandprocedures.pdf>

Elisheba Lewi  
Chief Procurement Officer  
NYCDOE