



Date: January 25, 2010

Topic: Proposed Procurement Policy

Date of PEP Vote: January 26, 2010

Summary of Proposed Policy

In 2009, the New York Education Law was amended give the New York City Board of Education (hereinafter referred to as the Panel for Educational Policy (PEP)) the power and duty to approve a procurement policy for the Department of Education. The amended law additionally specified provisions to be included in the procurement policy. This proposed procurement policy implements these amendments to the law. The proposed procurement policy was posted on December 3, 2009.

Summary of Issues Raised and Significant Alternatives Suggested

The public comments received are summarized as follows: 1) language for documenting an “Educational Investment Case” was proposed; and 2) the DOE should not be able to use Negotiated Services to procure services from consultants as individuals.

Analysis of Issues Raised, Significant Alternatives Proposed and Changes Made to the Proposed Regulation

The DOE accepted the language for documenting an Educational Investment Case, with some minor changes. This amendment to the procurement policy will be presented to the PEP prior to its vote on the procurement policy on January 26, 2010. The DOE chose not to accept the proposal to exclude Negotiated Services as a source selection option for procuring services from consultants as individuals. Negotiated Services will remain among the other source selection methods as an option for procuring services from consultants as individuals.