

Doing Business Certification Report – Phase 2

July 1, 2008

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New York City Campaign Finance Board

New York City Campaign Finance Board Doing Business Certification Report – Phase 2

THE NEW YORK CITY CAMPAIGN FINANCE BOARD AND “DOING BUSINESS”

The New York City Campaign Finance Board (the “Board”) has been engaged in the subject of regulating contributions from those “doing business” with the City of New York for approximately ten years. A 1998 amendment to the New York City Charter required the Board to propose “rules as it deems necessary” for that purpose. In its consideration of possible rules, the Board, as directed by the Charter, balanced factors including “(1) the effectiveness of the voluntary system of campaign finance reform, (2) the costs of such system, [and] (3) the maintenance of a reasonable balance between the burdens of such system and the incentives to candidates to participate in such system.”¹

Over the course of the years, the Board conducted much research on the topic and established the position that regulating doing business contributions was better accomplished by legislation than by Board rulemaking.² After consulting with the Board and other relevant agencies, the City Council passed Local Law No. 34 of 2007, which was signed into law on July 3, 2007. The law contains specific definitions for what constitutes doing business with the City, as well as specific exclusions. It sets lower limits on contributions from those doing business with the City, as well as not providing public matching funds for those contributions that would otherwise be eligible to be matched.³ The law requires the cooperation of the responsible agencies in the creation of a single database by the Department of Information Technology and Telecommunications (“DoITT”). The doing business database (the “DBDB”) is intended to capture all entities and persons who are doing business with the City, with persons being defined as the principal officers, owners, and senior managers of the entities doing business. Local Law No. 34 takes a phased approach to the different components of the database, taking into account the fact that some records did not exist at the passage of the law in a form that could be easily used to create the DBDB.

Phase 1 of the DBDB, certified on January 3, 2008 and in effect as of February 2, 2008, included entities holding contracts, franchises, and concessions, as well as those entities’ principal officers, their equivalents, and owners with more than a 10% interest in the entity as specified by the law. Phase 1 also included registered lobbyists.

Phase 2, the subject of this report, includes the following:

- entities which are parties to grants, economic development agreements,⁴ and agreements for the investment of pension funds;
- entities which are currently seeking or proposing to obtain contracts, franchises, and concessions;

1 New York City Charter §1052(a)(12)(c).

2 A more thorough discussion of the Board’s history with the doing business issue can be found in the Board’s January 3, 2008 report regarding the certification of Phase 1 of the doing business database. The report can be found at http://www.nycfb.info/PDF/doing_business/Doing_Business_Certification_Report_p1.pdf.

3 Contributors who are doing business with the City may contribute only up to \$400 for mayor, public advocate, and comptroller; \$320 for borough president; and \$250 for city council. For the 2009 elections, the regular contribution limits are: \$4,950 for mayor, public advocate, and comptroller; \$3,850 for borough president; and \$2,750 for city council. See NYC Administrative Code §3-703(1-a).

4 Local Law No. 34 of 2007 defines an “economic development agreement” as “any contract or agreement in which financial incentives including, but not limited to, tax incentives, payments in lieu of taxes and financing are offered in return for the development, attraction or retention of business....” NYC Administrative Code §3-702(19).

- the principal officers (or their equivalents), owners with more than a 10% interest in the entities, and those employed in a senior managerial capacity (“senior managers”) in connection with all of the entities in the above categories of business;⁵
- senior managers of entities holding contracts, franchises, and concessions already included in Phase 1.

The third and final phase, with an anticipated certification date in November 2008, will add parties to real property transactions and land use actions to the DBDB.

The Board is required to certify that each component of the DBDB is “reasonably complete and accurate.” The law also requires that the Board describe the process it used to analyze the component of the DBDB and describe the process for updating the database.⁶ This report represents the Board’s submission in compliance with Local Law No. 34 for Phase 2 of the DBDB. This report includes, as an appendix, a submission by DoITT that is intended to cover its reporting requirements under the law, in addition to informing the Board’s report. The Board’s report also relies on the written submission by the Mayor’s Office of Contract Services (“MOCS”), which is included as an appendix to this report (“MOCS memo”).⁷

CERTIFICATION OF PHASE 2 OF THE DBDB

The Board, at its meeting of July 1, 2008, certified the second phase of the DBDB, based on the data collection and transmission processes that it reviewed and the test data set it received on June 5, 2008 (the “June 5, 2008 data set” or the “certification data set”).⁸ The June 5, 2008 data set contained data in all the categories of transactions covered by Phase 2 and these were the data that were reviewed and tested by the Board on a transaction-level basis.⁹ The June 5, 2008 data set reflected whether an entity or person would hypothetically have been doing business as of July 1, 2008 had the Phase 2 categories been in effect.

The law states that all of the categories covered by Phase 2 shall take effect thirty days after the Board and DoITT have certified to the Mayor and the City Council that there is a doing business database for those categories.¹⁰ Therefore, restrictions on contributions from contributors who are doing business with the City in the new categories of Phase 2 will become effective on July 31, 2008. The Board notes that the data it reviewed and tested for certification purposes are not the same data that will constitute the DBDB when the restrictions go into effect. Because the business of the City is dynamic and ever changing, the transactions in the Phase 2 categories that will

5 Local Law No. 34 of 2007, as amended by Local Law No. 67 of 2007, defines “senior managerial capacity” as “a high level supervisory capacity, either by virtue of title or duties, in which substantial discretion and oversight is exercised over the solicitation, letting or administration of business transactions with the city, including contracts, franchises, concessions, grants, economic development agreements and applications for land use approvals.” NYC Administrative Code §3-702(20).

6 Local Law No. 34 of 2007 §37, requires that the Board “provide to the Mayor and the Council an analysis of the steps taken to ensure and test for reasonable completeness and accuracy. Such report shall also demonstrate the process by which the department of information technology and telecommunications and the campaign finance board shall update the doing business database and ensure the names of persons no longer doing business with the city are removed.”

7 MOCS, through its Doing Business Accountability Project, is responsible for collecting most of the data for the DBDB.

8 While the certification data set is not the actual DBDB, the Board presumes that the additional processes outlined in the MOCS memo will only improve the completeness and accuracy of the data when Phase 2 goes into effect on July 31, 2008.

9 Because some anomalies were identified when the June 5, 2008 data set was uploaded into the Board’s system, the Board requested, and DoITT provided, a second file on June 12, 2008 to ensure that data were delivered correctly. The second data set was produced after some coding was corrected and did not contain the duplicate entries that were part of the June 5, 2008 data set. The Board did not find that the anomalies impeded review of the June 5, 2008 data set because the duplicate entries 1) almost exclusively involved people who were no longer doing business with the City, and 2) did not involve the new Phase 2 categories of data. Because the anomalies were isolated and in light of the limited time available to the Board to conduct its testing for certification purposes, the Board used the June 5, 2008 data set for testing. The second file was requested to test and validate the data transmission process. The receipt of the second file allayed the Board’s concerns.

10 Local Law No. 34 of 2007 §37.

be in effect on July 31, 2008 are not necessarily the same ones that were active when the certification data set was created. This is particularly true in the categories of grants and proposers (more below). Naturally, the data in the DBDB are and will be dynamic.

The timeframe provided by the law to achieve the implementation of the DBDB is short. The accelerated schedule affects the data collection efforts, as well as the systems development of this project, and the Board has taken this into consideration in its certification of the database as “reasonably complete and accurate.” The law requires the Board to certify the database as “reasonably complete and accurate” before those doing business with the City can be fully compelled to provide the necessary information for the database. The Board has also taken this limitation into consideration.

Since the passage of Local Law No. 34, the Board has worked collaboratively with DoITT and MOCS in the development of the DBDB. The Board’s particular focus has been on ensuring the database meets the needs of the Board in fulfilling its mandate under Local Law No. 34 to regulate contributions in the easiest and least burdensome way. That will continue to be the Board’s focus. The Board looks forward to continued cooperation with DoITT, MOCS, and any other agencies as needed in the final phase of the project and maintenance of the database.

BRIEF DESCRIPTION OF THE DBDB

The DBDB is the database produced by DoITT for the Board.¹¹ It is produced from a larger database at DoITT that contains doing business information that is processed according to the requirements of the law. The DBDB contains information about entities and people related to those entities. Both the entities and the people in the database are considered to be “doing business” with the City according to Local Law No. 34. Each entity has a unique identifier in the DBDB and every person in the DBDB is linked to a related entity using the unique organization identifier. Every person in the database has at least one relationship to at least one entity. Each relationship reflects a reason for that person to be considered “doing business” with the City, *e.g.*, chief executive officer or senior manager.

Every month, as required by law, DoITT provides the Board with an update to the DBDB.¹² The monthly update comes to the Board in the form of a secure electronic file that contains entities and people newly designated as doing business since the previous update, existing doing business entries modified since the last update, and, occasionally, deletions of doing business entries from the previous update that should not have been transmitted.¹³ The natural expiration of an entity or person’s doing business term is transmitted to the Board in the form of a modification containing a “doing business end date” in the update following the end of the term.

The certification file for Phase 2 came to the Board in the form of a monthly update file. The Board uploaded this file into a test system, running it against a copy of the existing DBDB. This file format and process mirrors how Phase 2 entities and people will be introduced into the DBDB after that part of Local Law No. 34 goes into effect on July 31, 2008. Each time the Board receives a monthly update file, it runs certain basic tests to ensure the file is intact and correct upon receipt. The June 5, 2008 data set contained about 700 entities and about 12,000 people relationships, including additions, modifications, and deletions. Because the file format for the certification data set

11 The Board’s terminology in this report differs from the terminology used by DoITT and MOCS in their respective written submissions. For example, the DoITT statement uses the term DBDB to describe the larger database containing doing business information that it uses to produce the database for the Board and for the public interface.

12 As discussed in the Board’s *Doing Business Certification Report – Phase 1*, monthly updates are required by law but it is anticipated that a more frequent schedule of updates will be done in a citywide election year. The monthly schedule for the rest of the year 2008 has been established.

13 An example of such a deletion could be if an agency entered a transaction into the City’s Financial Management System (“FMS”) as a \$200,000 contract when it was really a \$20,000 contract. Because a \$200,000 contract would have met the aggregate amount required by law, the entity holding the contract and its associated individuals would have been included in the DBDB that month. If the transaction was later corrected to the actual \$20,000 amount, the entity and associated individuals in fact should never have been considered doing business with the City, and would be removed through a deletion in the next monthly file.

mirrors how actual updates occur, a significant portion of these records solely reflected Phase 1 activity. Records in the certification data set that were solely a result of Phase 1 activity were not tested by the Board in connection with this report. As discussed below, however, parts of Phases 1 and 2 are interrelated and some new Phase 2 transactions cannot be evaluated without considering what is already in the DBDB.

A public interface of the DBDB is maintained online by the City at <http://www.nyc.gov/html/doingbiz/home.html>. The public interface is updated monthly at the same time as the updates are sent to the Board. The public interface allows the public to search the names of entities and people currently doing business with the City. Only non-confidential information is available to the public. The Board supports an expansion of the public interface to contain information about the underlying transactions that cause the entities and individuals to be considered doing business. Such an expansion would provide the public with greater transparency and more useful information.

DoITT's certification statement, attached as Appendix I ("DoITT statement"), provides some technical specifications of the DBDB and provides the project methodology.

STEPS TAKEN TO CERTIFY THE DBDB

The Board reviewed the processes employed by MOCS to acquire data in the new categories of doing business and the steps taken by DoITT to process them for the DBDB. These reviews took the form of regular meetings and conversations with MOCS and DoITT staff over the past several months, as well as the review of written materials by both agencies. In addition to the DoITT certification report required by Local Law No. 34, a MOCS memorandum dated June 24, 2008 describing its data acquisition processes is attached to this report as Appendix II ("MOCS memo"). Familiarity with the MOCS memo is presumed for the purposes of this report. Both DoITT and MOCS provided spreadsheets of raw data to allow the Board to conduct tests of the processing from the originating points through to the DBDB. The Board also reviewed some of DoITT's test case scenarios for Phase 2 situations. DoITT also performed testing of its processing, as described in the DoITT statement.

The testing for reasonable completeness and accuracy was more complicated in Phase 2 than in Phase 1 because some of the Phase 2 categories are interrelated with Phase 1 categories. Proposals, for example, are a subset of the contracts, concessions, and franchises that were already covered in Phase 1. An entity may be in the DBDB solely because of a single proposal, multiple proposals, or because of the aggregation of a proposal with a contract, concession, or franchise previously awarded to the entity. Similarly, a senior manager could be in the DBDB because s/he relates to any of the scenarios just outlined, or could be in the DBDB as a senior manager for any or all of the different categories of doing business (*e.g.*, contracts manager, grants manager, economic development agreement manager, etc.).

General completeness

Using the June 5, 2008 data set, the Board performed general tests for completeness. Of the 439 entity additions in the data set, 32 (7%) had no people relationships associated with them. Fourteen of the 32 entities are grant entities whose data collection is discussed below. These are likely to be remedied as the new phase of the law goes into effect. Two new Phase 2 entities did not have employer identification numbers (EINs), both of which are foreign entities and therefore may actually be without EINs. Overall entity address information for new entities is substantially complete. Only one new entity is missing substantial address information.

Economic Development Agreements

The transactions covered by Local Law No. 34 in the economic development category have no monetary thresholds for inclusion in the DBDB and tend to be long-term agreements. Data in this category were obtained by MOCS from the New York City Economic Development Corporation ("EDC"), which provided data for the New York City Industrial Development Agency and the Capital Resource Corporation; and the Education Construction Fund. The information about entities and people in this category is derived from data forms sent by MOCS to the

project contacts provided by EDC. MOCS reports a strong response rate in this category, and anticipates a more complete and accurate set of transactions once Phase 2 goes into effect.¹⁴

MOCS provided the Board with an electronic spreadsheet of covered projects prepared by EDC and a list of the transactions that MOCS entered and transmitted to DoITT for inclusion in the certification data set. The list of covered projects was MOCS' starting point for collecting data about the entities in this category (and their associated people) that are covered by Phase 2. Using the EDC source document and the list of transactions from MOCS, the Board was able to review DoITT's and MOCS' conclusion that two entities correctly did not appear in the certification data set as a result of the doing business processing. The terms of these entities' agreements ended prior to July 1, 2008.

The Board also randomly selected a sample of 20 from the 268 transactions that were transmitted by MOCS to DoITT for inclusion in the certification data set. The Board traced these transactions forward to ensure that the entities holding the agreements appeared in the DBDB. The Board also traced them back to the spreadsheet of covered projects to verify that they appeared on the EDC source document. Based on finding no discrepancies in the random sample of 20, the estimated rate of discrepancy for this category would be no greater than 4.5% using a 95% confidence interval.

Based on the review of available real data and examination of processes, the Board believes that the procedures are in place to ensure this category will be reasonably complete and accurate once the law becomes effective.

Pension Fund Investment Agreements

This category covers "any contract for the investment of pension funds, including investments in a private equity firm and contracts with investment related consultants."¹⁵ The City has five separate pension fund systems; information regarding all five resides with the office of the New York City Comptroller.¹⁶ The Comptroller's office provided partial transaction data for existing agreements and any data forms collected in connection with the entities holding these agreements to MOCS. Approximately 250 of the transactions provided by the Comptroller will be in effect as of July 1, 2008 and, because there are no dollar thresholds associated with this category of doing business, all the entities holding these agreements should be in the DBDB once Phase 2 goes into effect. MOCS estimates that there are 223 such entities.¹⁷ The Board reviewed a copy of the information provided by the Comptroller's office, an electronic spreadsheet of the transactions MOCS transmitted to DoITT, and an electronic spreadsheet of the transactions processed by DoITT for inclusion in the DBDB. As of the closing date for data in the certification data set, 90 entities affiliated with 92 transactions had returned data forms and therefore the pension fund investment category in the June 5, 2008 data set is based on those 92 transactions.¹⁸ The certification data set thus includes 89 entities that have been newly introduced in connection with this category of doing business.

The Board was able to obtain the annual reports for fiscal year 2007 (the most recent available) for four of the five pension funds.¹⁹ The annual reports contain summary information about the pension fund investment managers.

14 See MOCS memo at page 3.

15 See NYC Administrative Code §3-702(18)(a).

16 The five covered employee pension funds are the New York City Employees' Retirement System ("NYCERS"), the Teachers' Retirement System of the City of New York ("TRS"), the New York City Police Pension Fund, New York City Fire Department Pension Fund, and the New York City Board of Education Retirement System ("BERS"). There are also several agencies otherwise covered by Local Law No. 34 whose employees may participate in state pension systems. Agreements to provide management services for state pension systems are not covered by Local Law No. 34.

17 See MOCS memo at page 4.

18 One of the entities was already in the DBDB in connection with Phase 1.

19 The reports were found on the respective websites of each of the pension funds, most of which were accessed from links on the Comptroller's website. The Board was not able to obtain a copy of the New York City Fire Department Pension Fund annual report in the short time it had available.

Recognizing that the agreements governing fiscal year 2007 might not perfectly correlate to those in effect for the purposes of the certification data set, the Board attempted to match selected entities listed in the annual reports to entities on the list provided to MOCS by the Comptroller and forwarded to the Board. The Board found that 72% (93 of 129) of the entity names it looked at from the pension funds' annual reports appeared on the list provided to MOCS. The 72% included some entities that provide services to more than one pension fund. This review did not attempt to determine if any of the entities appear under a different name.

Since the certification data set was created, MOCS reports that the response rate for pension entities has increased.²⁰ In addition, follow-up will continue to obtain missing information before Phase 2 goes into effect. This indicates that the actual DBDB in this category will be more complete and accurate when Phase 2 goes into effect on July 31, 2008.

Grants

The data in the June 5, 2008 data set reflect grants information in FMS, the City's Financial Management System, as of April 30, 2008. These data were used for the purpose of certifying that grants information is available and can be transmitted to the DBDB. Almost all of the grants considered in the June 5, 2008 data set expire by the end of the City's fiscal year, June 30, 2008. Because grants are usually awarded by the City at the beginning of a fiscal year, very few of the grant holders in the June 5, 2008 data set are likely to be in the DBDB as of July 31, 2008. Most transactions that are commonly thought of as grants are actually contracts as defined by the law and were in fact included in the DBDB as part of Phase 1.

The June 5, 2008 data set was produced based on information regarding 191 grants.²¹ The Board reviewed raw data regarding grants transactions drawn from FMS and provided by MOCS. The Board verified that any transaction under the \$5,000 threshold was excluded. Then the Board aggregated the transactions by entity using EINs. Working from its list of aggregated transactions, the Board then checked approximately 25% of the entities that met the \$100,000 threshold for inclusion to ensure that they appeared in the DBDB (either in the certification data set or in the existing DBDB). Conversely, the Board also verified that those aggregating to less than \$100,000 were properly excluded. The Board checked its results against a list provided by DoITT that indicated which entities being added by the certification data set were being added to the DBDB as a result of the grants category. In fact, many grant holding entities were previously in the DBDB as a result of Phase 1 activity.

Information regarding principal officers and owners of about half the entities holding grants was drawn from VENDEX, the City's Vendor Information Exchange System. The Board's general concerns about the accuracy of information culled from VENDEX were documented in the Board's Phase 1 certification report.²² The Board has no reason to believe the accuracy of VENDEX information regarding principal officers and owners for grant holders is any better or worse than the VENDEX information for the individuals associated with contracts. The same algorithms were used by MOCS to map VENDEX titles to the principal officer relationships in the DBDB as were used for the Phase 1 categories and as described in the Board's January 3, 2008 report. Going forward, the reliance on VENDEX data will decrease as MOCS' data collection efforts are given the force of law. Therefore, as in Phase 1, the Board has a reasonable expectation that the accuracy of the data in this category will improve.

The June 5, 2008 data set did not contain any information regarding senior grants managers, because those data are not required by VENDEX and were not collected at the time the grants were awarded. Also, most of the grants in the certification data set will expire before Local Law No. 34 becomes effective for grants. However, the Board verified that MOCS has a data form in place to collect person information for entities holding grants and was pleased to learn that some agencies have already forwarded some forms to MOCS in anticipation of grants that are

²⁰ See MOCS memo at page 4. As of the memo date, MOCS had received responses from an additional 84 entities.

²¹ See MOCS memo at page 4.

²² See *Doing Business Certification Report – Phase 1* at page 4.

expected to be awarded at the start of the new fiscal year. Based on the review of sample data and examination of processes, the Board believes that the procedures are in place to ensure this category will be reasonably complete and accurate once the law becomes effective.

Proposals

Similar to grants, proposers in the June 5, 2008 data set will not be in the DBDB come July 31, 2008 because, by law, proposers are part of the DBDB for one year from the proposal submission date, starting after the effective date of the law. By definition, the proposers that are part of the certification data set already have proposal submission dates that predate July 31, 2008, the effective date of this portion of the law. Only entities and people associated with proposals with submission dates of July 31, 2008 and later will be in the actual DBDB.

The Board focused its review on whether a mechanism for collecting proposer information is in place going forward. This focus reflected the unique timing problems of the proposals category, as well as the Board's finding that there is no single central source for proposer information. Indeed, in examining the process, the Board learned that even MOCS has no real way of knowing when requests for proposals are made until after a contract is registered with the Comptroller's office. The real enforcement in this category will occur after July 31, 2008 when agencies will be unable to accept proposals from (and certainly not award contracts, franchises, or concessions to) entities that fail to complete the doing business data form. Even then, however, there could be lag time before agencies transmit the proposer information to MOCS for entry.²³

The Board reviewed MOCS' instructions to agencies regarding the dissemination of materials related to Local Law No. 34 and the review of incoming data forms (*see* Appendix III). MOCS' processing of proposer information is based on the agency forwarding a cover sheet showing the number of forms attached and information about the procurement, including the estimated value (*see* Appendix IV). Absent this information, MOCS is unable to properly process the proposers' information because it has no way to know whether the transaction meets the criteria in the law. The agency has an incentive to obtain the proposers' data forms early and submit them to MOCS promptly to avoid sanction were MOCS to later discover an award without the related proposer data forms. Likewise, if an entity submits its data form as part of its proposal, it avoids having to do one later in connection with the award. The Board also reviewed the revised doing business data form (*see* Appendix V). The single form is to be used by agencies for both proposals and awards and in connection with all of the Phases 1 and 2 doing business categories for which MOCS is responsible for collecting the data. The single form should negate any confusion that may have existed between Phases 1 and 2 when agencies were strongly encouraged, but not mandated by law, to collect proposer data.

The Board notes that over the past several months MOCS increased the number of training classes it offered to agencies' contracting staff regarding the doing business requirements as they relate to proposers. This education process can only improve agencies' compliance with the procedures established to ensure complete and timely collection and transmission of proposer information.

The certification data set contained data for 604 proposal transactions. The Board matched the proposal data in the MOCS file to the proposal data in the DoITT file. Because the Board does not have the underlying transaction information for contract awards, the Board did not attempt to test the aggregation of proposals with contract awards on an entity basis. Instead, the Board selected a small number of entities from the MOCS file with proposals for contracts valued at more than the \$100,000 threshold. The Board's review verified that the entities appeared as doing business.

²³ In an amusing, but relevant development, one proposer actually sent its doing business data form directly to the Board during the period when the Board was conducting its testing, even though there is no reference to the Board on the form, and certainly no mention of the Board's address. The form was promptly forwarded to MOCS.

The Board also reviewed the websites of various agencies covered by the law to determine if they included information regarding doing business, specifically as it related to proposers. The Board was looking both for general information about the requirements of Local Law No. 34 and for specific mention in agencies' requests for proposals. The Board looked at the websites of 15 agencies.²⁴ Some agencies had viewable requests for proposals posted on them and others required signing up with certain information before the requests for proposals could be accessed. Of the nine requests for proposals from different agencies examined by the Board, seven specifically required that a doing business data form be completed as part of the submission of a proposal. Of the two that did not, it was unlikely that one was covered by Local Law No. 34²⁵ and the second was released by an agency that had the doing business data form and a doing business questions and answers link easily accessible on its website. In addition, about half of the websites reviewed had one or more of the following: downloadable copies of the doing business data forms, background or questions and answers about Local Law No. 34 and doing business, and/or links to the MOCS website.

Based on the review of sample data and examination of processes, the Board believes that the procedures are in place to ensure this category will be reasonably complete and accurate once the law becomes effective.

Testing of People Data

In its testing, as in its testing of Phase 1, the Board focused more on people than on entities since people constitute significantly more of the contributors to the campaigns under the Board's jurisdiction. This is particularly true since January 1, 2008, when provisions of Local Law No. 34 went into effect which added bans on partnership and limited liability company contributions to the pre-existing ban on corporate contributions.

The Board performed general tests of completeness for the people records in the June 5, 2008 data set. The Board verified that every person record in the data set was linked to an entity in the data set. Every person in the data set had a relationship code. The new people records were almost 99% complete for critical address information.

Senior Managers

The June 5, 2008 data set included 5,146 senior manager relationships. About 89% were senior contract managers, 7% were senior economic development managers, 4% were senior managers for pension fund investment agreements, and fewer than 1% were senior franchise and concession managers. In the June 5, 2008 data set, 12 people records for newly included senior managers contain what appear to be EINs instead of employer names.²⁶ In addition, 985 (19%) of the newly added senior manager records were missing employer information. Ninety-nine percent of these records were senior contract manager relationships, suggesting that at least some of the records may have come from data forms that were submitted in connection with Phase 1, when senior manager information was not required and therefore not the focus either of the data form, or the reviewers' checks for completeness. This result also calls attention to the Board's finding in its Phase 1 certification report regarding inconsistencies in the data collection and entry of employer information.²⁷ While any issues with the form have since been corrected, perhaps some of the earliest entered records were not corrected. As noted by the Board in its Phase 1 certification report, the employer field is not a vital field, but it is very useful to the Board as a secondary source for matching

24 The agencies were individually selected from the drop down list of agency websites on www.nyc.gov with an eye towards capturing agencies that do and do not use FMS. Because FMS agencies and non-FMS agencies transmit their data to MOCS differently, the Board felt it was meaningful to include both.

25 This request did not appear to be covered by the law because it appeared to be soliciting competitive sealed bids, although that particular term was not used in the document.

26 The entities to which these people are related were already covered by Phase 1 of the DBDB and therefore were not reviewed for the purposes of this report. It appears, however, that other people records related to these same entities contain the same error, which makes it likely that all of these people records were entered early in the data collection process.

27 See *Doing Business Certification Report –Phase 1* at page 5.

reported contributors' names to names in the DBDB with greater precision.²⁸ Because senior managers usually work for the entity with which they are associated in the DBDB, the missing employer information can often be extrapolated from the entity itself.

The Board's objective in reviewing senior manager information was two-fold. The first was to ensure that senior manager information for entities covered by Phase 2 was contained in the certification data set and that processes were in place to collect the data going forward. The second was to ensure that senior manager information for entities already covered by Phase 1 was contained in the certification data set. The Board sought to test these two goals by including senior managers as part of its primary (larger) sample, and by selecting a (smaller) secondary sample specifically with the intention of seeing how well the second objective was met.

Primary Sample

The Board performed random sampling to test the accuracy of the data set. The Board selected a random sample of 80 people relationships, constituting 78 unique people²⁹ from a subset of the June 5, 2008 data set that covered only people associated with grants, economic development agreements, pension funds investments, and entities in the DBDB that had proposals associated with them. This subset of 1,923 people records included owners, principal officers, and senior managers. To arrive at its subset before selecting the sample, the Board joined people records from the certification data set to a list provided by DoITT of doing business entities in the certification data set that indicated the category of business they were doing and whether the entities had proposals associated with them. This enabled the Board to exclude entities that would only be in the DBDB because of Phase 1 categories of doing business. For each of the selected people relationships, the Board requested and MOCS provided source documentation. For all but the four records that were associated with entities holding grants, the source documentation was a photocopy of the completed doing business data form received by MOCS. For the four exclusively grants-related records, the source documentation was query results from VENDEX.

The Board evaluated the primary sample using the following criteria: missing, omitted, and wrong. Below are the definitions used by the Board for these terms in its evaluation:

Missing	Information that was not in the source document that one would expect to have (e.g., missing address information on a form that was considered acceptable enough to process)
Omitted	Information noted in the source material but apparently left out (e.g., failure to data enter the vendor name when the field lists "employer [if not vendor]")
Wrong	Information in the June 5, 2008 data set does not match source information (e.g., incorrect relationship, incorrect address, etc.). Includes typographical errors.

For each error identified in these three categories, the Board also judged whether the error constituted a substantive error or a non-substantive error:

Substantive error	Whether the error could result in an erroneous determination about whether a campaign contributor could be matched or not matched to a doing business entry (e.g., wrong or incomplete name, missing or incorrect relationship to a doing business entity, etc.)
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²⁸ See *Doing Business Certification Report – Phase 1* at page 5.

²⁹ Two people each had two relationships that were included in the sample.

Non-substantive error	An error in a field or of the magnitude that it would not affect the matching of a campaign contributor to a doing business entry (e.g., a clearly identifiable typographical error in certain address fields, errors in fields such as telephone number)
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The Board acknowledges that the labels of the criteria used in such an exercise are subjective by definition although once defined the criteria were applied objectively. The Board believes these criteria are adequate to fairly evaluate the accuracy and integrity of the sample and to support inferences about the population of records that it represents.

The Board’s review found two records that had one or more missing items, six records that had one or more omitted items, and 20 records that had one or more wrong items. Fifty-four records (68%) contained no errors. In the sample of 80, the Board found 12 records (15%) that it categorized as having one or more substantive errors. These substantive errors included four records with typographical errors in the first or last names and one record where the address fields were completely confused; the remainder were records where employer information was either omitted or wrong. The Board believes that all of these substantive errors are easily remedied. The most common non-substantive errors were omitted and wrong middle initials³⁰ and limited wrong entries in certain address fields.

In addition to these errors, as discussed above under “Grants,” the Board was unable to substantiate some of the relationships established by algorithms from the existing data in VENDEX. The Board did not consider these errors, substantive or otherwise, although they underscore the need to rely less on VENDEX. To the extent that the VENDEX relationships cannot be substantiated, the data set could be both over-inclusive and under-inclusive. However, the VENDEX records constitute only 5% of the sample and are in a category of doing business where the data after July 31, 2008 are very unlikely to be the same as that in the certification data set.

Based on the scoring of the sample of 80, the Board estimates the following for the portion of the June 5, 2008 data set covering people associated with grants, economic development agreements, pension funds investments, and entities in the DBDB that had proposals associated with them:³¹

TABLE 1	Problem with Sample Record			Records with Substantive Errors
	Missing	Omitted	Wrong	
Number of Sample Records	2	6	20	12
Estimated Percentage with At Least One Error	3.6	8.5	25.6	15.8
95% Credible Interval on Percent with Error	0.8 to 8.6	3.5 to 15.4	16.8 to 35.6	8.8 to 24.4

30 Omitted or wrong information in the middle initial field affects the Board’s ability to differentiate between individuals with the same first and last names.

31 Sample results were initially analyzed in WinBUGS version 3.0.3 and confirmed using standard Bayesian packages in R version 2.7.0. The analyses employ Markov Chain Monte Carlo techniques to compute intervals that have a 95% probability of containing the predicted rate of error in the entire population of records. The estimates obtained in this way were very close to those calculated on the basis of classical inferential procedures (confidence intervals).

As discussed above, the Board believes all of the substantive errors are data entry errors that are correctable and avoidable.³² The Board believes that a lower percentage of error for Phase 2 is attainable by the July 31, 2008 effective date.

Secondary Sample

The Board also selected a secondary random sample of 40 people relationships from a subset it created from the June 5, 2008 data set. The subset consisted of senior contract managers and senior franchise and concession managers who were associated with Phase 1 covered entities that do not have any proposals associated with them. The goal was to ensure that senior manager information for entities already covered by Phase 1 was contained in the certification data set. To derive the subset, the Board again relied on the June 5, 2008 data set’s people records and the list provided by DoITT of doing business entities in the certification data set that indicated the category of business they were doing and whether the entities had proposals associated with them.

In the initial sample of 40, the Board found five records (12.5%) that it categorized as having one or more substantive errors.³³ These substantive errors included one record with a typographical error in the person’s first name and four records where the address fields were substantially omitted or wrong. Because addresses are broken down into separate fields, errors in one address field in a record tended to cause errors in other address fields. The Board also identified 12 records with non-substantive errors; these errors included omitted middle initials, middle initials that could not be traced to the source documents, and limited wrong entries in certain address fields.

Based on the scoring of the sample of 38,³⁴ the Board estimates the following for the portion of the June 5, 2008 data set that consists of senior managers for entities that were covered by Phase 1 of the DBDB:

TABLE 2	Problem with Sample Record			Records with Substantive Errors
	Missing	Omitted	Wrong	
Number of Sample Records	0	4	14	5
Estimated Percentage with At Least One Error	2.5	12.4	37.5	14.9
95% Credible Interval on Percent with Error	0 to 9.0	4.3 to 24.1	23.3 to 52.8	5.9 to 27.3

Like the primary sample, the Board believes that all of the substantive errors in the secondary sample are also easily remedied and can be avoided.

32 The Board’s experience is that double data entry, or a system of key verification, has been the most reliable method to ensure data entry accuracy.

33 In addition, there were two sample records for which a source document was not provided. The Board did not consider these errors of any type because it would be inconsistent with the scoring measures used. These two sample records were both associated with the same entity, so the source document would have been the same for both.

34 For the purpose of these estimates, the Board eliminated the two records for which no source documentation was provided and therefore could not be scored.

SCHEDULING OF DBDB UPDATES

Since February 2, 2008, the DBDB has been updated on a monthly basis. As required by law, it will continue to be updated on a monthly basis. As noted earlier in this report and in the Board's Phase 1 certification report, DoITT and the Board will establish a schedule for more frequent updates during 2009, based on the accelerated disclosure schedule of the election year. The monthly updates this spring were worked around the disclosure schedule for the special election in Council District #30.

REMOVAL FROM THE DOING BUSINESS DATABASE

Questions from a person or a campaign regarding the potential removal of a person or entity from the DBDB will be directed to MOCS or the City Clerk, respectively. The Board will rely fully on the information in the DBDB at the time of its reviews, and has no authority to add or remove names from the DBDB. MOCS has published forms on its website for individuals and entities to request removal from the DBDB.³⁵ The DoITT statement includes the steps that will be employed by the City Clerk's office in the event that a registered lobbyist believes s/he appears in the DBDB incorrectly.³⁶ Any requests for removal that are found to be valid by MOCS or the City Clerk will be reflected in the next regular update to the DBDB, and any notification required prior to a regular update will be made. Any entity or person whose doing business term expires naturally under the law will be automatically removed in the next regular update file through the regular doing business processing. No intervention is needed.

THE BOARD'S IMPLEMENTATION OF PHASE 1³⁷

Education and Outreach

As required, the Board issued a form for campaigns to inquire of contributors whether they are doing business with the City. The form contains the different categories of doing business, as well as the language required in the law: "If a contributor has business dealings with the City as defined in the campaign finance act, such contributor may contribute only up to two hundred fifty dollars for city council, three hundred twenty dollars for borough president and four hundred dollars for mayor, comptroller or public advocate."³⁸ The Board's initial sample form was met with critical feedback, and the Board has since redesigned the form in an attempt to simplify it for contributors and campaigns. Currently, the Board's website offers three different versions of the form for use by campaigns: a single-sided version with instructions, a double-sided version with instructions, and a version containing no instructions that combines the basic requirements of the doing business inquiry with the Board's regular sample contribution card.

Since February, the Board's website has contained links to the public interface of the DBDB, so that campaigns can navigate easily to determine whether a contributor is doing business with the City. The Board has an overview of the doing business requirements on its website, as well as a list of approximately 45 "frequently asked questions" about doing business. The list of questions has grown over the past several months as Board staff has fielded new inquiries that may be useful to a broader audience of campaigns and would-be contributors. In the upcoming month, the Board will update the questions to reflect the certification and implementation of Phase 2. When the Board received feedback from campaigns suggesting that there was some confusion regarding the DBDB public interface and the City's lobbyist search, the Board worked with DoITT to modify the language to reduce potential confusion. In addition, the search screen of the public interface of the DBDB contains a link to the Board's search-

35 See MOCS memo at page 6. See also MOCS website at <http://nyc.gov/html/mocs/downloads/pdf/Request%20for%20DBDB%20Removal.pdf>.

36 See DoITT statement at page 6.

37 Although the Board is not required to include this information in its certification report, the Board believes this discussion provides helpful context.

38 NYC Administrative Code §3-703(1-b).

able campaign finance database so that members of the public may determine “whether an individual or entity listed in the Doing Business Database has also made a campaign contribution.”³⁹

The Board has incorporated information about the doing business requirements into its training materials for campaigns, including a special mailing that went out around the Phase 1 effective date and additions to its regular training seminars. Version 9.0 of C-SMART, the Board’s Campaign Software for Managing and Reporting Transactions, which was released in March, contains fields for campaigns to indicate for their own recordkeeping purposes whether a contributor is doing business. When a campaign indicates that a contributor is doing business, C-SMART provides warnings regarding the campaign’s compliance with the doing business contribution limit and the matchability of those contributions. The doing business requirements will be covered fully in the upcoming edition of the Campaign Finance Handbook (both print and web versions). As always, the Board’s staff is available to respond to any questions from campaigns seeking guidance.

Special Election in Council District #30

The June 3, 2008 special election in Council District #30 marked the first application of the new law. The Board used the DBDB to identify contributors who were doing business with the City. Each of the candidates on the ballot had at least one contributor who was found in the DBDB. In addition, each of the four candidates had at least one contribution that was either invalidated for matching funds purposes or was found to exceed the doing business contribution limit.⁴⁰ Because all of the disclosure statements were due (by definition) within six weeks of the special election, the Board provided notice of any findings within the three business days required by law.

DISCUSSION OF FUTURE STEPS

The Board anticipates that when Phase 2 of the DBDB goes into effect on July 31, 2008, it will be more complete and accurate than the preliminary data set for Phase 2 tested in anticipation of this certification report. The Board understands that the data collection efforts will continue on an ongoing basis. These efforts include: sending first mailings to newly identified doing business entities to confirm existing data and obtain principal and senior manager information, sending additional mailings to entities that have not responded to initial attempts to obtain information, and following up on mailings that have been returned as undeliverable and on incomplete data forms. The Board still has concerns about people records that rely on sources other than forms completed by the doing business entities themselves that have been subject to review for completeness. However, the number of such records will be substantially less once Phase 2 becomes effective. Each additional response received to a data form gives the Board and the public greater confidence in the completeness and accuracy of the DBDB.

Phase 3 of the DBDB is slated for certification in November 2008. Phase 3 will add parties to real property transactions and land use actions to the DBDB. The Board was pleased to learn that planning and technical work is underway in connection with the land use component, as this component has long appeared to the Board to be the most complicated. In March, the Board commented on a Department of City Planning rulemaking requiring that doing business information be collected in connection with land use applications. The Board looks forward to assisting in the development of the third phase of the DBDB.

The Board will soon receive its regular monthly update of the DBDB (the July update containing data as of June 30, 2008). This update will contain only Phase 1 transactions. The Board will review the July 15, 2008 disclosure statement filing to see if any contributors are in the DBDB. Notifications of any doing business contribution limit violations and the invalidation of matching claims because the contributor is doing business with the City

³⁹ <http://www.nyc.gov/portal/site/DBusinessSite>

⁴⁰ The doing business contribution limit for a special election is half of the regular doing business contribution limit. In the case of a special election for City Council, the doing business contribution limit is \$125. See NYC Administrative Code §3-703(1-a).

will be made in accordance with the schedule required by law.⁴¹ In addition, the Board will continue to work with DoITT to finalize any necessary arrangements to ensure a seamless transfer of Phase 2 data after July 31 and going forward.

The Board will continue a schedule of regular meetings with MOCS and DoITT and anticipates continued cooperation in all aspects of the DBDB project. As mandated by Local Law No. 34, the Board will issue a report when it certifies the third and final phase of the DBDB, and will issue a complete analysis of the effect of the doing business regulations in conjunction with its post-election report following the 2009 elections.

CONCLUSIONS

- The Board reviewed the data set provided by DoITT and believes the processes for compiling it were reasonably complete and accurate in all of the doing business categories covered by Phase 2.
- The errors discovered while testing for accuracy are correctable and avoidable.
- The reliability of the data will be improved through MOCS' continued data collection efforts.

41 See NYC Administrative Code §3-703(1-b).

Doing Business Certification Report – Phase 2

APPENDIX I

DoITT Doing Business Certification Statement—Phase Two, July 1, 2008

This certification statement is made by the New York City Department of Information Technology and Telecommunications (DoITT) for inclusion in a report (Phase Two of the Doing Business Accountability Project) that is being submitted to the Mayor and the Council pursuant to the reporting requirements of Section 37 of Local Law 34 for the year 2007 (hereinafter referred to as “Local Law 34”). A previous report (Phase One) was submitted to the Mayor and the Council on January 3, 2008, and another report (Phase Three) is expected to be submitted to the Mayor and the Council in November 2008.

Local Law 34:

Subdivision 20 of section 3-702 of the New York City Administrative Code, as amended by Local Law 34 requires the establishment of a “doing business database” (the “DBDB”), containing the names of persons (as defined in Local Law 34) who have business dealings with the City (as defined in Local Law 34). Subdivision 20 requires that such database shall be developed, maintained and updated by the Office of the Mayor in a manner so as to ensure its reasonable accuracy and completeness; provided, however, that in no event shall such database be updated less frequently than once a month.

Section 37 of Local Law 34 provides for component-by-component certifications to the Mayor and the Council by DoITT and the Campaign Finance Board (“CFB”) when nine separately-enumerated components of the DBDB are complete and identify their specified populations with reasonable completeness and accuracy. The City is implementing these nine components in three phases, called Phases One, Two and Three. Section 37 requires DoITT to provide an analysis of the steps taken to compile the component(s) of the database being certified and the CFB to provide an analysis of the steps taken to ensure and test for reasonable completeness and accuracy. Such report must also demonstrate the process by which DoITT and the CFB shall update the DBDB and ensure that names of persons no longer doing business with the city are removed.

This Report:

The certification statement below pertains solely to the following components of the DBDB:

- Persons serving in positions specified in Local Law 34 of entities that have submitted a bid or proposal for a contract(s), franchise(s) or concession(s) as specified in Local Law 34 and the entities themselves. [This corresponds to clauses (ii) and (v) of Section 37 of Local Law 34]
- Persons serving in positions specified in Local Law 34 of entities that are the recipient of a grant(s) as specified in Local Law 34 and the entities themselves. [This corresponds to clause (vi) of Section 37 of Local Law 34]
- Persons serving in positions specified in Local Law 34 of entities that are applicants for or parties to an economic development agreement as specified in Local Law 34 and the entities themselves. [This corresponds to clause (vii) of Section 37 of Local Law 34]
- Persons serving in positions specified in Local Law 34 of entities that are applicants for or parties to a contract for the investment of pension funds as specified in Local Law 34 and the entities themselves. [This corresponds to clause (viii) of Section 37 of Local Law 34]

- Persons serving in positions specified in Local Law 34 of entities that meet the requirements as set out in Phase One and Phase Two who are senior managers.. [This corresponds to clause (i-viii) of Section 37 of Local Law 34]

This is in addition to the components that were previously implemented under Phase One of this Project; namely:

- Persons serving in positions specified in Local Law 34 of entities that have a contract(s), franchise(s) or concession(s) as specified in Local Law 34 and the entities themselves. [This corresponds to clauses (i) and (iv) of Section 37 of Local Law 34]
- Lobbyists. [This corresponds to clause (ix) of Section 37 of Local Law 34]

Doing Business Project Methodology

DoITT certifies that a standard system software development methodology was followed in the planning, development and deployment of the Doing Business Database, as defined in Local Law 34 (hereinafter referred to as the "Project").

The Project consists of the following phases, which, as appropriate for the components previously and now certified, have been completed:

1. **Project Definition:** Overall DBDB and Public Interface Search requirements defined, staff responsibilities outlined, and the ongoing communication strategy between the Mayors Office of Contract Services ("MOCS"), CFB, City Clerk and DoITT agreed upon.
2. **Project Plan:** Definition of the Project deliverables and timeline associated with delivery of the Doing Business Database and an accompanying Public Search Interface.
3. **System Analysis:** Project requirements detailed in a Business Requirements document and each applicable deliverable for what is being referred to as "Phase One," "Phase Two" or "Phase Three" under Local Law 34 is detailed in a Requirements Matrix.
4. **System Design:** Technical design detailing the Doing Business Database, Public Interface Search requirements, internal processes and all integration with other systems (MOCS, e-Lobbyist and CFB).
5. **Development:** All components of the Doing Business Database (including MOCS and e-Lobbyist data feeds, data transformation, business rules, Public Interface Search, and output file to CFB) are fully developed and unit tested.
6. **System Testing:** Full database functionality, security and performance testing objectives have been met. The Public Interface Search testing is ongoing. Please see the testing section below for an analysis of testing done to date.
7. **Deployment:** The DBDB and the Public Interface Search have been deployed to a DoITT hosted environment.

Testing of DBDB for Certification of the Database

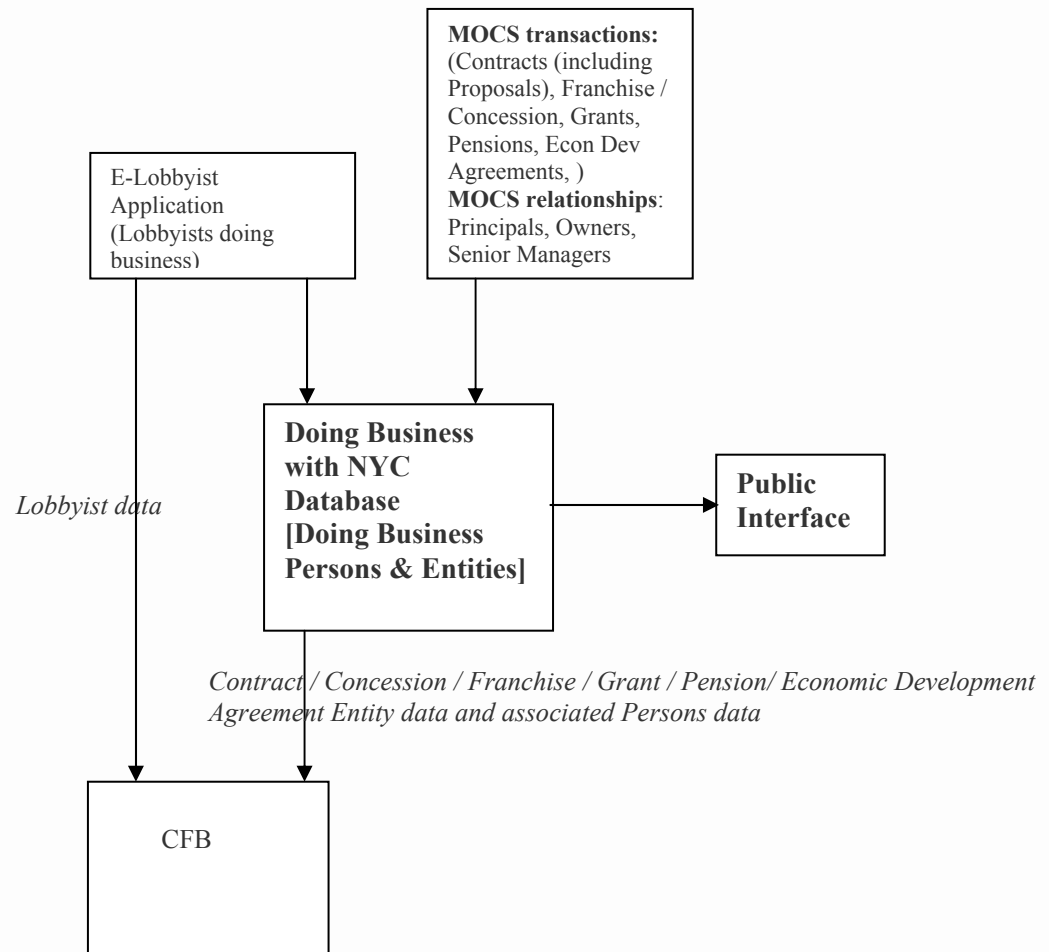
In order to verify the completeness and accuracy of the DBDB system, testing included: Database testing, testing of the feeds from MOCS and e-Lobbyist, and testing of the logic encapsulated in the transformation and business rules. The table below details the testing methods and their results.

	Testing Component	Description	Outcome
1	Database verification	The structural integrity of the database was verified	Database is 100% compliant with Database Specifications
2	MOCS data load testing	The data moved from MOCS to DBDB staging tables is verified as complete	The test of the data load is successful, confirming that a complete data set has been transferred from MOCS.
3	e-Lobbyist data load testing	The data moved from e-Lobbyist to DBDB staging tables is verified as complete	The test of the data load is successful, confirming that a complete data set has been transferred from e-Lobbyist.
4	Initial Phase 2 Load scenario testing with engineered data	Scenarios and matching test data were created to test functionality of the initial load of Phase 2 data where all data represented additions to the Phase 1 DBDB	100% of the cases were fully compliant with the expected outcomes
5	Updating scenario, including additions, modifications and removals from the database with engineered data	Scenarios and matching test data were created to test functionality of the Add, Modify and Removal processes.	In progress. This testing will be completed in July and August. The initial updates to Phase 2 data will be in the "August, 2008" Release, run in early September, 2008.
6	Testing of the MOCS Certification data set	The MOCS Certification data set was fully vetted for completeness and accuracy	100% of the data performed as expected.
7	Testing of the e-Lobbyist Certification data set	The e-Lobbyist Certification data set was verified for completeness and accuracy compared to the e-Lobbyist system's database, which is dependent on self-reported data by lobbyists.	100% of the data performed as expected.
8	Testing of the Public Interface	The Public Interface was fully tested for Performance and Functionality	100% of the site performed as expected and within an expected performance range.

Doing Business Project Staffing

DoITT staff dedicated to the project consists of: Project Owner, Project Manager, Business Analysts (2), Database Architect, Database Administrator, Integration Specialist (1), System Developers (3) and Quality Assurance Staff (2).

Doing Business Data Flow



1. *Doing Business with NYC database is populated with data from:*
 - a. *Mayors Office of Contract Services MOCS database*
 - b. *e-Lobbyist database*
2. The data is transformed according to the specifications of Local Law 34, creating lists of entities and persons doing business with New York City.
3. CFB receives data from the DBDB ("Doing Business Data"). Data originating from MOCS is forwarded via the DBDB. With respect to Lobbyist data, the current process of providing data directly to the CFB from the e-Lobbyist system will continue; however, such data is also populated to the DBDB.
4. Since February 2, 2008, the Public has been able to view Persons and Entities Doing Business with New York City via the Public Interface Search [<http://www.nyc.gov/portal/site/DBusinessSite>].

Doing Business Scheduling

The Doing Business System is updated monthly. This includes: updated (adds, modifies and deletes) data from MOCS, an updated copy of e-Lobbyist data, the rerunning of transformation rules (detailed below) and an updated file feed to CFB. The Public Interface Search accesses the DBDB in real time.

In the year of an election, updates will occur more frequently on a schedule to be worked out based on the disclosure schedule. This timetable for the 2008 election year has been agreed upon between MOCS, DoITT and CFB.

Doing Business Processing

The resulting Doing Business Database, an Oracle database, and the Public Interface are resident in the Portal (NYC.gov).

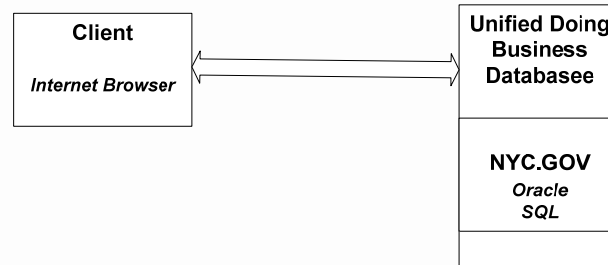
System Update Processes include:

1. MOCS data migrated to DBDB
2. e-Lobbyist data migrated to DBDB
3. MOCS data transformation procedures, which transforms incoming MOCS raw data in the form of data tables (Entity, People, Relationship, Transaction, Agency, and Closing Date) to data designating Entities and Persons doing business with New York City, as defined by Local Law 34. Modifications to existing data and deletions are processed at this time.
4. Lobbyist data transformation procedures loads Lobbyist Organizations and Lobbyists directly from the e-Lobbyist system and determines which Lobbyists and Organizations are doing business with New York City, as defined by Local Law 34. Modifications to existing data and deletions are processed at this time.
5. Listings of Entities Doing Business and Persons Doing Business are created and stored for access by the Public Interface Search.
6. Creation of an extract of DBDB (People and Entities) is created for CFB in the format of Adds, Modifies and Deletes.

The detailed processing procedures are also reviewed and approved by the CFB on an ongoing basis.

Doing Business Public Interface Search

Since February 2, 2008, the Public has had able to view Persons and Entities Doing Business with New York City via the Public Interface Search.



- The DBDB is hosted in the Portal (NYC.gov)..
- Client request is submitted from a browser.
- The request accesses the DBDB in real time.
- Features of the Public Interface Search include the ability to view Entity Names, Officers and Organizations (with the ability to sort), Help Section and Contact Form.
- Contact Phone Numbers for the Doing Business Accountability Office and the Office of the City Clerk are prominently displayed on the Public Interface Search should there be any requests for more information or removal from the DBDB.

Doing Business Database Updates

The Doing Business System has full Add, Modify and Delete functionality.

Local Law 34 requires that this report must demonstrate the process by which DoITT and the CFB shall update the doing business database and ensure that names of persons no longer doing business with the city are removed. All Lobbyists and Individuals will be given instructions, via the Public Interface Search, of the method of contact for requesting that their name be removed from the DBDB.

- Lobbyists are instructed to contact the Office of the City Clerk for requests to remove an Individual from the Doing Business List until a planned, new self-service functionality is introduced to the e-Lobbyist application to allow any changes to be made.
 - The "Requestor" will be provided with the location of an on-line PDF format of a standard form / affidavit, which will include a certification section.
 - The Requestor will be responsible for completing their portion of the form, certifying their entry and having their former Organization certify that they are no longer working for them.
 - The Requestor will return a signed copy of the form to the Office of the City Clerk.
 - Once received, the Office of the City Clerk will verify the information from the Requestor's former Organization (via the contact information provided for the Principal Officer or Contact in the e-Lobbyist system).
 - Once verified, a request will be sent to DoITT to remove the Requestor from the DBDB.
 - DoITT will remove the Requestor from the DBDB in accordance with the updating

- procedures described in section 5 of the table above.
- The DBDB will be updated with the next monthly run, however, the effective date of removal will be the day the Office of the City Clerk receives a valid request that has been verified by the Office of the City Clerk. This date cannot be more than 30 days prior to the entry date into the DBDB.
 - An email will be sent to the Office of the City Clerk to notify them that action has been taken.

Note: The future intended process for removal of Lobbyists from the Doing Business list will be for the individual / lobbyist firm to update the data in the e-Lobbyist system and for this information to be propagated to the DBDB. This will be in accordance with the accepted data convention that data should be changed in the system of origin.

- Organizations and Individuals that are listed on the DBDB due to business dealings with the City, and believe that they should not be listed, may apply to MOCS for removal from the DBDB. Upon removal, the DBDB is updated with the next monthly run in accordance with the updating procedures described in section 5 of the table above.
- During the normal course of DBDB updates, persons (as defined in Local Law 34) who no longer have business dealings with the City (as defined in Local Law 34) are removed from the DBDB with no action required on their part.

Doing Business Certification Report – Phase 2

APPENDIX II



OFFICE OF THE MAYOR
OFFICE OF CONTRACT SERVICES
Marla G. Simpson, *Director*

DOING BUSINESS ACCOUNTABILITY PROJECT
253 Broadway – 9th Floor
New York, NY 10007
(212) 788-8104 Fax (212) 312-0993

To: Campaign Finance Board
From: Marla G. Simpson, Director, Mayor's Office of Contract Services
Jesse Schaffer, Doing Business Accountability Project Director
Date: June 24, 2008
Re: Creation of the Doing Business Database, Phase II

MGS
JSS

On July 3, 2007, Mayor Michael R. Bloomberg signed Local Law 34 of 2007 (LL 34), passed by the City Council. LL 34 mandates the creation of a Doing Business Database (DBDB) containing the names of entities that do business with the City of New York, and their principal officers, owners and senior managers, in order to regulate campaign contributions from those entities and individuals.

The implementation of LL 34 is to occur in phases, corresponding to the nine types of transactions and relationships that are considered to be business dealings with the City. Each of these nine components of the DBDB must be individually certified by the Campaign Finance Board (CFB) and the Department of Information Technology and Telecommunications (DOITT) that it contains "available information" on covered entities and individuals. LL 34's regulations concerning contributions made by such entities and individuals go into effect 30 days after the relevant certification.

The nine components are: 1) entities that hold contracts; 2) entities that hold franchises and concessions; 3) lobbyists required to be registered with the City Clerk; 4) entities that obtain grants; 5) entities that obtain economic development agreements; 6) entities that hold contracts for the investment of pension funds; 7) entities that seek or propose to obtain contracts, franchises or concessions; 8) parties to real property transactions; and 9) parties to land use actions.

These nine components are in turn placed in one of three groups to be phased in over the course of 2008. Phase I of LL 34 covers components 1, 2 and 3, above. CFB and DOITT certified these DBDB components on January 3, 2008, and LL 34 became effective for each of these DBDB components on February 2, 2008.

Phase II covers components 4, 5, 6 and 7, as well as the reporting of senior managers of entities covered in components 1 and 2¹. CFB and DOITT are expected to certify these four components plus senior managers no later than July 3, 2008. Phase III covers components 8 and 9 above. CFB and DOITT are expected to certify these two components by no later than November 3, 2008.

The data for components 1, 2, 4, 5, 6, 7 and 8 are being collected by the Mayor's Office of Contract Services (MOCS), which formed the Doing Business Accountability Project (DBAP) for this purpose.

¹ Local Law 67 of 2007 was signed on December 31, 2007 to amend the language of LL 34. Among other actions, it shifted the reporting of Phase I senior managers from to Phase II. The Phase II certification dataset includes senior managers from both Phase I and Phase II components. Throughout this document, "LL 34" refers to the law as amended.

The remaining two items are being collected by DOITT. Data collected by DBAP will be transmitted to DOITT, which is in turn responsible for transmitting it in an agreed-upon format to CFB.

To meet the Phase II certification deadline of July 3, 2008, DBAP transmitted to DOITT a “certification dataset” on June 5, which DOITT, in turn, transmitted to CFB on the same day. This dataset is the basis for CFB’s and DOITT’s expected certifications of components 4, 5, 6 and 7, as well as senior manager data. However, since LL 34 does not go into effect for these components until 30 days after certification, a separate and augmented “initial dataset,” containing data from later transactions and additional entities, is expected to be transmitted to DOITT in mid-August. This version of the DBDB will be transmitted to CFB and will be the official DBDB as of July 31, the expected effective date for Phase II.²

This memo examines the procedures used by DBAP to create these two datasets. It makes reference to, but does not examine fully, issues regarding the maintenance of the DBDB on an ongoing basis.

Data Acquisition Methodology

Leading up to Phase I, data was collected on entities that were expected to be doing business with the City on January 3, 2008, based on the contracts, franchises and concessions they held. For Phase II, data on economic development agreements and pension investment contracts was collected in the same way, i.e., based on known transactions and an expectation of doing business on July 1, 2008. Because of differences in the way LL 34 treats various transaction types, detailed below, data on grants and proposals is based on a sample of transactions that existed at the time of the creation of the certification set, without regard to whether a doing business relationship would exist on July 1. Data on senior managers has been collected throughout Phase I but has not been previously included in the DBDB; the Phase II certification data set contains all senior manager data collected.

LL 34 defines the time period during which an entity and its principals are doing business (DB) based on the type and duration of underlying transactions involving the entity. For each transaction type, LL 34 defines an *initial* DB term based on either the duration or initiation of the transaction, and then appends an *additional* DB term of one year.³

In order to be included in the transaction file used to create the certification dataset for Phase I, January 3 had to fall within a transaction’s *initial* DB term. Whether January 3 would fall within the *additional* one year DB term was not considered, since by definition those additional terms could not be applied until LL 34 took effect. Therefore, contracts and concessions, which have an initial DB term under LL 34 coterminous with the term of the contract or concession, were included if the contract or concession *ended* on or after January 3. Franchises, which have an initial DB term of the day of commencement only, were included if the *commencement* date of the franchise fell on or after January 3. Since transactions are generally reported after their initiation, there were therefore no franchises in the certification dataset. However, since LL 34 groups franchises and concessions together, the franchise and concessions component had data (from concessions) and was certified on that basis.

The same logic was used to create the Phase II dataset, but with one significant change. The DB terms for economic development agreements and pension investment contracts are generally the same as for contracts, i.e., the term of the transaction plus a year. The certification dataset therefore contains data on

² CFB is expected to certify the four components and senior managers on July 1. Therefore, the expected effective date for Phase II is July 31.

³ Certain land use actions (component nine) have additional DB terms of 120 days, rather than one year.

entities that are expected to be doing business on July 1. The DB terms for grants and proposals are generally the same as franchises, i.e., from initiation of the transaction plus a year. Applying the same procedure as in Phase I would result in a certification dataset including neither grants nor proposals, leaving little basis for certification. Therefore, sample transaction data accumulated in April and May was used to create certification datasets, with the understanding that these sample transactions would by definition not be considered business dealings on the dates of either certification or implementation of LL 34.

Data about entities and principals was collected on Doing Business Data Forms completed by each entity holding a covered transaction. As was true during the Phase I certification process, completion of a Data Form was voluntary for the entities that hold Phase II transactions, since LL 34 had not yet gone into effect for these transactions. Please see the Phase I certification report for information about Data Forms and how they are processed by DBAP.

Economic Development Agreements

Data on existing economic development agreements was obtained from the Economic Development Corporation (EDC), which provided data for EDC, the Industrial Development Agency and the Capital Resource Corporation, and from the Education Construction Fund. A total of 556 transactions were obtained, of which 550 have expiration dates after July 1.

Contact information was provided for the entities that hold each existing agreement. DBAP did a mailing to 455 unique entities holding these agreements, requesting completion of a Data Form. Parties to such existing contracts were not and could not be penalized for failure to return the forms, thus the economic development agreement dataset consists of voluntary responses. Responses were received from 241 entities (53% of those mailed to) as of the certification dataset creation date. 25 additional responses were received subsequently and will be included in the initial dataset, bringing the total to 266 (58%).

Given both the voluntary nature of the provision of this data, and that the entities that hold economic development agreements are largely outside the contract universe that is required to complete the City's VENDEX forms, the response to this initial mailing exceeded DBAP's expectations. DBAP intends to do phone follow up with entities that did not respond, and will include all collected data in the initial dataset and/or DBDB.

EDC maintains data on numerous economic development programs and, as noted above, for a number of smaller agencies. Significant processing was required to standardize this data to meet DBAP's requirements. EDC provided all of the data it had available to meet the certification timetable. Additional economic development agreements exist, and EDC anticipates making this data available to DBAP in time for it to be included in the initial dataset. All additional data collected will be included in the initial dataset and/or DBDB as it becomes available.

Pension Investment Contracts

Data on existing pension investment contracts was obtained from the Office of the Comptroller, which manages all such contracts for the City's five pension funds. A total of 255 transactions were obtained, of which 252 have expiration dates after July 1.⁴

⁴ Due to the need to standardize data to meet the certification timeline, certain pension investment contract data was provided without specific expiration dates, but with the understanding that all such transactions continue through July 1. These

The Office of the Comptroller did a mailing to each of the entities that hold such existing contracts, requesting completion of a Data Form. (Based on the transaction data, DBAP estimates that there are 223 such entities.) Parties to such existing contracts were not and could not be penalized for failure to return the forms, thus the pension investment contract dataset consists of voluntary responses. The Office of the Comptroller forwarded to DBAP responses from 90 entities (~40% of those mailed to) as of the certification dataset creation date. Follow-up efforts by the Office of the Comptroller resulted in 84 additional responses, which will be included in the initial dataset, bringing the total to 174 (~78%).

Given both the voluntary nature of the provision of this data, and that the entities that hold pension investment contracts are largely outside the contract universe that is required to complete the City's VENDEX forms, the response to the Office of the Comptroller's initial outreach exceeded DBAP's expectations. The Office of the Comptroller has informed DBAP that it intends to continue to do follow up to entities that have not yet responded, and all additional data collected will be included in the initial dataset and/or DBDB as it becomes available.

Grants

As noted above, existing grants are not covered by LL 34. Therefore, the grant certification dataset was developed by examining all grants recorded in FMS on April 30, 2008.

There were 255 such grants, 14 of which were held by governmental entities, leaving 241 grants. 50 of these grants are held by entities about which DBAP has no information, i.e. the entity has neither submitted a Data Form due to contracts it holds nor has filed a VENDEX questionnaire, generally because the value of the grants are small. The remaining pool of 191 grants was used to create the certification dataset.

The 191 grants are held by 180 entities. 89 of these entities have returned a Data Form based on the contracts, franchises or concessions they hold; 91 have completed a VENDEX questionnaire.

While the certification dataset is based on representative data, the nature of the reporting of grants gives DBAP great confidence in its ability to create a grants dataset based on actual grant data as soon as it becomes available. The vast majority of grants are reported through FMS, and the few non-FMS agencies that award grants have already begun sending sample data.

Proposals

As noted above, existing proposals are not covered by LL 34. Therefore, the proposal certification dataset was developed by examining all proposal data submitted to DBAP during April and May. While agencies were required to include Data Forms in all Phase I solicitations, entities were not and could not be penalized for failure to return the forms. Therefore, the proposer dataset represents a sample of voluntary responses to proposals covered by LL 34.⁵

There are 604 such proposals, held by 396 entities, all of which submitted Data Forms.

transactions are included in the certification dataset. The actual end dates for these transactions will be included in the Doing Business Database as soon as they are available.

⁵ Agencies have been required since February 2, 2008 to include Data Forms with all contract, franchise and concession solicitations valued at more than \$5,000 unless awarded by competitive sealed bid, emergency procurement or government to government procurement.

While the certification dataset is based on representative data, DBAP has great confidence in its ability to create a proposal dataset based on actual proposal data as soon as it becomes available. DBAP recognized early on that creating a proposal reporting system would be one of the most significant challenges posed by LL 34. For that reason, agencies have been required to include DBAP materials in their solicitations throughout Phase I, to acclimate agencies and entities to the process and to obtain as much data as possible about proposers in advance of the Phase II implementation date. Every agency covered by LL 34 has needed to implement new procedures in order to obtain the required data on a short timetable. Across the board, agencies have risen to the challenge and are providing proposer data.

Senior Managers

During Phase I, all entities that submitted Data Forms were asked to provide information on senior managers, as were entities that submitted Data Forms in preparation for Phase II. In both cases, however, provision of such information was not mandatory, as senior managers are not yet covered by LL 34.

Nevertheless, the vast majority of entities have provided senior manager data. Of the 4,240 entities that have submitted Data Forms to date, 3,867 (91%) have provided senior manager data. The certification dataset contains information on 6,036 managers.

Transmittal of Certification Data to DOITT and CFB

After processing, updating and cleaning all data, tables were created containing all valid transactions, the entities involved in those transactions, and the individuals associated with those entities. Those tables were provided to DOITT for processing.

In addition, a copy of the data, similar in format to the data to be transmitted by DOITT to CFB, was provided by DBAP directly to CFB for comparative purposes. This comparative data is not intended to be a listing of entities and people doing business with the City; rather, it contains information about the entities and people that were provided to DOITT.

DBAP provided to CFB various source tables that were used to derive transaction information, and a sample of Data Forms, selected by CFB, for audit purposes. DBAP also provided VENDEX data for a sample selected by CFB.

Updates

As required by LL 34, the DBDB must be updated at least monthly, in such a manner so as to ensure its “reasonable accuracy and completeness.” DBAP will continue to collect data from agencies and determine which transactions are covered by LL 34. All relevant data will be reported to DOITT on an agreed-upon schedule.

Removal from the DBDB

When the underlying transactions that result in the inclusion of entities or individuals on the DBDB have ended, and any additional doing business terms required under LL 34 have run their course, those entities and individuals will be removed from the DBDB with no action required on their part.

As required by LL 34, DBAP has created a procedure for entities and individuals that believe that they should not be listed on the DBDB to apply to the City Chief Procurement Officer (CCPO)⁶ for removal. Forms for this purpose are available on the MOCS website. DBAP will review these applications, obtain CCPO concurrence, make adjustments to DBDB source data as needed, and inform CFB of any changes that need to be taken into account prior to the next DBDB update. In general, entities will be considered for removal if they demonstrate that they no longer or never did engage in types of transactions covered by LL 34; individuals will be considered for removal if they no longer or never did have relationships with entities on the DBDB.

Conclusion

The process of constructing the Phase II dataset has been a complex one that has required the creation of new agency procedures, and cooperation by agencies not generally subject to the City's procurement rules and/or data sharing with MOCS, all on relatively short timetables. While certain segments of the database will require ongoing work, we are quite pleased with the overall results. We have obtained senior manager data from 91% of all entities that have submitted Data Forms. The certification dataset contains information on almost 80% of entities that hold pension investment contracts and 60% of entities that hold economic development agreements, based on transactions reported to DBAP. Grant data is readily available, and a process has been created and tested for obtaining proposer data. Given that this was accomplished prior to any enforceable requirement that entities complete or return Data Forms, we believe that the quantity and quality of the data collection exceeds any reasonable expectation, and accordingly, we believe this renders the Phase II components fully suitable for certification under LL 34.

We look forward to continuing to work with DOITT and CFB to fully implement Local Law 34 in the months ahead.

⁶ Pursuant to Executive Order 48 of 2004 (and its predecessors), the Director of MOCS is designated by the Mayor to serve as the CCPO.

Doing Business Certification Report – Phase 2

APPENDIX III

DOING BUSINESS ACCOUNTABILITY PROJECT
AGENCY INSTRUCTIONS – DISTRIBUTION OF LOCAL LAW 34 MATERIALS

Transactions Covered

Contracts:

- ~ Requests for Proposals
- ~ Sole Source
- ~ Negotiated Acquisition
- ~ Intergovernmental Purchase (OGS/GSA)
- ~ Small Purchase
- ~ Purchase Order
- ~ Any purchase using a Prequalified List (inc. CSB)
- ~ Renewal
- ~ Amendment/Change Order
- ~ Line Item Appropriation (Discretionary)
- ~ Required Method/Source

Concessions

Franchises

Grants

Economic Development Agreements

Pension Investment Contracts

Transactions NOT Covered

Contracts:

- ~ Publicly Advertised Competitive Sealed Bid
- ~ Micro Purchases (\leq \$5,000)
- ~ Emergency Procurement
- ~ 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 1-102(f): utility and cable services, dues, subscriptions, training seminars

Concessions:

- ~ Publicly Advertised Competitive Sealed Bid

For all solicitations issued for contracts, franchises and concessions covered by Local Law 34, agencies must include the following:

1. The Notice to Vendors:

Pursuant to Local Law 34 of 2007, amending the City's Campaign Finance Law, the City is required to establish 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 establish the required database, vendors responding to this solicitation are required to complete the attached Doing Business Data Form and return it with this *[bid]* *[proposal]* *[submission]*, and should do so in a separate envelope. (If the responding vendor is a proposed joint venture, the entities that comprise the proposed joint venture must each complete a Data Form.) If the City determines that a vendor has failed to submit a Data Form or has submitted a Data Form 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 Data Form 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.

2. DBA Project Q & A

- 3. 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.

SEE PAGE 2 FOR INSTRUCTIONS ON RECEIPT OF DOING BUSINESS DATA FORMS

DOING BUSINESS ACCOUNTABILITY PROJECT
AGENCY INSTRUCTIONS – UPON RECEIPT OF DOING BUSINESS DATA FORMS

Proposers

Phase 1: (January 3, 2008 – June 30, 2008)

During this phase, vendors are not required, but are strongly encouraged to submit a Doing Business Data Form along with their proposals.

Agencies must batch all returned Data Forms by Transaction ID, attach the DBA Project Coversheet for Proposer Data Forms, and forward Forms to the Doing Business Accountability Project, 253 Broadway, 9th floor, New York, NY 10007 (i.e. if the agency receives 10 proposals in response to one solicitation, the agency should submit them under one coversheet.).

Phase 2: (Beginning July 1, 2008)

All proposers must submit a Data Form with their proposals. Agencies must review submitted Data Forms for completeness using the Agency Review Guidelines. If a submitted Data Form is missing or incomplete, the agency must notify the vendor and allow the vendor four calendar days to submit a complete form. When the four-day period begins depends on how the vendor is notified:

- E-mail or Fax: If the vendor has provided an e-mail address or fax number on the Data Form, the agency may notify the vendor by e-mail. The four-day clock starts when the e-mail or fax 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 Data Form within this time frame, the proposal must be found non-responsive. If it would be in the best interests of the City to consider a proposal from a vendor that has not provided a complete Form, contact the DBA Project for more information.

Agencies must batch all returned and reviewed Data Forms by Transaction ID, attach the DBA Project Coversheet for Proposer Data Forms and forward the batch to the DBA Project. No Proposer Data Form will be accepted without a Coversheet.

Awardees

All awardees must submit a Data Form prior to receiving an award. Agencies must review submitted Data Forms for completeness using DBA Project review guidelines and may cure missing or incomplete forms at any time prior to making an award. If the agency is unable to obtain a complete Data Form, the prospective awardee must be found non-responsible. No award can be made to a vendor that has not submitted a complete Data Form. If it would be in the best interests of the City to make an award to a vendor that has not provided a complete Form, contact the DBA Project for more information.

All reviewed Data Forms must be submitted to the DBA Project. There is no Coversheet for Awardee forms.

SEE PAGE 1 FOR INSTRUCTIONS ON DISTRIBUTION OF LOCAL LAW 34 MATERIALS

Doing Business Certification Report – Phase 2

APPENDIX IV

COVERSHEET FOR PROPOSER DATA FORMS

Please batch Proposer Data Forms by PIN or Contract # and transmit the originals to the Doing Business Accountability Project as soon as they have been accepted by your agency, along with this Cover Sheet. You may create an electronic version of the Cover Sheet. Do not use this Cover Sheet for Awardee forms - those forms are submitted without a Cover Sheet.

Your agency will receive a receipt listing all the Data Forms in this batch. If you have questions about how to complete this form contact DBAP at DoingBusiness@cityhall.nyc.gov or 212-788-8104.

Agency: _____

Transaction ID (PIN, PO #, etc): _____

Number of Forms Attached: _____

Estimated Value of Procurement: _____

Proposal Opening Date: _____

Date First Advertised (City Record, etc): _____ Not applicable

Award Method (√ one):

- Intergovernmental (OGS/GSA)
- Line Item Appropriation
- Negotiated Acquisition
- Pre-qualified Competitive Sealed Bid
- Purchase Order
- Request for Proposal
- Required Method/Source
- Small Purchase

Transaction Type (√ one):

- Concession
- Contract - Construction
- Contract - Goods/Services
- Franchise

Agency Contact Person: _____

Agency Contact Person Phone: _____

Doing Business Accountability Project, 253 Broadway, 9th floor, New York, NY 10007



Doing Business Certification Report – Phase 2

APPENDIX V



Doing Business Data Form

To be completed by the City Agency prior to distribution			
Agency: _____		Transaction ID: _____	
Check One:	Transaction Type (check one):		
<input type="checkbox"/> Proposal	<input type="checkbox"/> Concession	<input type="checkbox"/> Contract	<input type="checkbox"/> Economic Development Agreement
<input type="checkbox"/> Award	<input type="checkbox"/> Franchise	<input type="checkbox"/> Grant	<input type="checkbox"/> Pension Investment Contract

Any entity receiving, applying for or proposing on an award or agreement must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. **Submission of a complete and accurate form is required for a proposal to be considered responsive or for any entity to receive an award or enter into an agreement.**

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York; no other information reported on this form will be disclosed to the public. **This Data Form is not related to the City's VENDEX requirements.**

Please return the completed Data Form to the City Agency that supplied it. Please contact the Doing Business Accountability Project at DoingBusiness@cityhall.nyc.gov or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

Section 1: Entity Information

Entity Name: _____

Entity EIN/TIN: _____

Entity Filing Status (select one):

- Entity has never completed a Doing Business Data Form. *Fill out the entire form.*
- Change from previous Data Form dated _____. *Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.*
- No Change from previous Data Form dated _____. *Skip to the bottom of the last page.*

Entity is a Non-Profit: Yes No

Entity Type: Corporation (any type) Joint Venture LLC Partnership (any type)
 Sole Proprietor Other (specify): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone : _____ Fax : _____

E-mail: _____

Provide your e-mail address and/or fax number in order to receive notices regarding this form by e-mail or fax.

Section 2: Principal Officers

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the *Doing Business Database*, and indicate the date that the change became effective.

Chief Executive Officer (CEO) or equivalent officer This position does not exist

The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

 This person replaced former CEO: _____ on date: _____**Chief Financial Officer (CFO) or equivalent officer** This position does not exist

The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

 This person replaced former CFO: _____ on date: _____**Chief Operating Officer (COO) or equivalent officer** This position does not exist

The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

 This person replaced former COO: _____ on date: _____

Section 3: Principal Owners

Please fill in the required identification information for all individuals who, through stock shares, partnership agreements or other means, **own or control 10% or more of the entity**. If no individual owners exist, please check the appropriate box to indicate why and skip to the next page. If the entity is owned by other companies, those companies do **not** need to be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals who are no longer owners at the bottom of this page. If more space is needed, attach additional pages labeled "Additional Owners."

There are no owners listed because (select one):

- The entity is not-for-profit There are no individual owners No individual owner holds 10% or more shares in the entity
- Other (explain): _____

Principal Owners (who own or control 10% or more of the entity):

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

Remove the following previously-reported Principal Owners:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Section 4: Senior Managers

Please fill in the required identification information for all senior managers who oversee any of the entity's relevant transactions with the City (e.g., contract managers if this form is for a contract award/proposal, grant managers if for a grant, etc.). Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any transaction with the City. **At least one senior manager must be listed, or the Data Form will be considered incomplete.** If a senior manager has been identified on a previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled "Additional Senior Managers."

Senior Managers:

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

First Name: _____ MI: _____ Last: _____

Office Title: _____

Employer (if not employed by entity): _____

Birth Date (mm/dd/yy): _____ Home Phone #: _____

Home Address: _____

Remove the following previously-reported Senior Managers:

Name: _____ Removal Date: _____

Name: _____ Removal Date: _____

Certification

I certify that the information submitted on these four pages and _____ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.

Name: _____

Signature: _____ Date: _____

Entity Name: _____

Title: _____ Work Phone #: _____

Return the completed Data Form to the agency that supplied it.

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.

