THE CITY OF NEW YORK

Local Law 87 of 2021 FAQs Regarding Effective Date
February 4, 2022

The City of New York issues this document to provide answers to frequently asked questions (FAQs) related to the effective date of Local Law 87 of 2021 and what contracts and renewals are subject to Local Law 87. The City will also be issuing at a later date a separate document containing FAQs regarding the City's contract terms implementing the local law. These contract terms are contained in the "LPA Rider."

1. What prime contracts do the requirements of Local Law 87 apply to?

The requirements of Local Law 87 apply to "City Service Contracts," which are non-emergency human services contracts (including discretionary awards) or renewals over $100,000 that are signed by both parties on or after November 16, 2021; for which the contractor was not notified in writing of their selection for the award of such contract or renewal prior to November 16, 2021; and for which services did not begin (under either the award or renewal, as described in question three) prior to November 16, 2021. Contract amendments do not trigger the applicability of Local Law 87. Local Law 87 applies only to prime contract awards and renewals that meet the criteria above; however, with respect to contracts and renewals that are subject to the criteria above, any such services performed pursuant to contract amendment to such a contract will be subject to Local Law 87.

2. Does Local Law 87 apply to contracts for which the contractor was formally notified in writing prior to November 16, 2021 that they would receive a contract award?

No. Local Law 87 does not apply to a contract for which a contractor has been notified in writing prior to November 16, 2021 that such contractor will be receiving a contract. For example, contractors identified prior to November 16, 2021 in Schedule C to the New York City Annual Expense Budget to receive discretionary fund contracts are not subject to Local Law 87.

3. **Does Local Law 87 apply to contracts for which services began prior to November 16, 2021, the effective date of Local Law 87?**

   No. Local Law 87 does not apply to contracts for which performance of the services under the contract began prior to November 16, 2021 or, in the case of a contract renewal, performance of the services covered by the renewal term began prior to November 16, 2021.

4. **If my base contract was signed prior to November 16, 2021, the effective date of Local Law 87, and a renewal term scheduled to begin on or after November 16, 2021 is authorized under such contract, will my contract be renewed if I do not agree to include the terms of the LPA Rider in the renewal contract?**

   No. Even though the LPA Rider was not included in the base contract, the City may not proceed with the renewal unless the LPA Rider is included in the contract renewal.

5. **If a contractor has signed a contract or contract renewal that contains an LPA Rider but Local Law 87 does not apply to the contract or contract renewal for one of the reasons discussed in the above FAQs (1-3), does the LPA Rider apply to the contract or contract renewal?**

   No. Under those circumstances, the City waives the terms set forth in the LPA Rider and such terms are deemed to be not a term or condition of the contract or contract renewal. Under such circumstances, the contractor is not required to take any further action pursuant to the terms of the LPA Rider. If the contractor believes that the LPA Rider has been included in its contract or renewal and that such contract or renewal should not be subject to the LPA Rider pursuant to the terms of these FAQs, and the contractor has not received notification from the City indicating that such terms have been waived, the contractor should request confirmation from the Agency whether the LPA Rider applies or has been waived.