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Charter plan to reform city purchasing, fines

2 measures seek to sidestep opposition in Council, Legislature

BY ANNE MICHAUD

The Bloomberg administration is attempting to overhaul the city's procurement system and give the Department of Consumer Affairs more power to levy fines.

The administration is using the Charter Revision Commission to circumvent opposition in the City Council and state Legislature to the changes.

In addition to proposing non-partisan elections, the commission is asking voters to approve a plan that would increase purchasing efficiency by streamlining procurement. The City Council has resisted the reforms.

The commission is also combining three loosely related administrative reforms. The proposal would create a new agency, answerable to the mayor, to coordinate the city's 20-odd tribunals, which issue fines and penalties. The measure would provide a code of ethics for administrative law judges and hearing officers. And it would broaden the power of the Department of Consumer Affairs to adjudicate appeals, in house, of the fines it levies.

Too much power

The Legislature wouldn't pass similar legislation earlier this year.

Opponents say that the changes would consolidate too much power in the mayor's office and the Department of Consumer Affairs. They also argue that the Charter Revision Commission slapped to-

gether the questions.

"A summer, with proposals that many are seeing for the first time in the middle of August, is not enough time to grapple with the complex issues of nonpartisan elections, procurement reform and agency organization," council Speaker Gifford Miller told the commission in late August. "I do not support spending the people's time and money doing by referendum what may be done legislatively."

Proponents of the procurement reform say that the city's process of buying some \$9 billion in goods and services each year takes too long and involves too many approvals. Anthony Crowell, chief counsel for the commission, says that the Department of Citywide Administrative Services and the Police Department have pushed for reform.

The ballot measure would give DCAS the power to waive centralized purchasing of bomb-defusing robots, for example, and allow the Police Department to buy such specialized items more easily.

"It's not about giving city departments unfettered power," Mr. Crowell says. "It's about eliminating another layer of review."

Fines levied on businesses licensed by the Department of Con-

sumer Affairs are now adjudicated by in-house administrative law judges. The charter proposal would impose the same procedures on businesses it does not license. Furniture stores, for example, are some of the most frequent violators of consumer protection laws, says Consumer Affairs Commissioner

Gretchen Dykstra, yet the agency wastes time and money by dragging them into state court.

"More than half the city's businesses are already (obeying the law)," Ms. Dykstra says, "and this would bring the other half into line."

But the effort is opposed by the Neighborhood Retail Al-

liance, which says it represents 1,200 supermarkets and 13,000 bodegas, and the Central Labor Council.

Violating basic principles

"To have the person accusing you also try you violates the basic principles of American jurisprudence," says Richard Lipsky, a lobbyist for the alliance, "particularly if that person has an interest in raising revenue. These things become much more prevalent in times of a budget deficit."

The Consumer Affairs Department questions whether Mr. Lipsky represents such a wide group of stores and says he is acting to protect his biggest client, the Red Apple supermarket chain. Red Apple Chairman John Catsimatidis, one of the biggest fund-raisers for local candidates, says he is considering running for mayor. ■



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