

# ProceduresManual

for Members of New York City's **Cultural Institutions Group**

**City of New York**  
**Department of Cultural Affairs**  
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Mayor

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## **Preface**

This Manual sets forth the policies and procedures that govern New York City's relationship between the Department of Cultural Affairs ("DCA") and the 34 members of the New York City Cultural Institutions Group ("the Institutions" or in the singular, "the Institution"). It is designed to assist the Institutions in managing and operating their facilities and programming, while outlining the terms of partnership with the City of New York.

In addition to this Manual, the DCA Cultural Institutions Unit (the "Institutions Unit") serves as a key liaison in coordinating and guiding the Institutions and the City in meeting their respective obligations.

This Manual supersedes the original version issued in 1978, and revised in 1983, 1994 and 1997. DCA will inform the field of any changes in policy or procedures as they arise.

Institutions are required to adhere to the provisions set forth in this document. Please note that these policies and procedures are intended to supplement and not to supersede any operating agreements, licenses, leases, or other legal agreements in effect between the City and any of the Institutions. If certain provisions conflict with or contradict a particular legal agreement, by-laws or other governing document, the Institution should obtain clarification from DCA's Institutions Unit.

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Law Department  
Mayor's Office of Operations  
Office of Labor Relations  
Office of Management and Budget

## **I. Introduction**

### **A. History**

The Department of Cultural Affairs' mission of fostering dynamic public partnerships with private cultural organizations has its most dramatic expression in its relationship with the Institutions. These include many of the foremost nonprofit organizations of their kind in the world, representing the entire spectrum of cultural endeavor, from art and natural history museums to historical societies, theaters, concert halls, performing arts centers, botanical gardens and zoos.

The history of the public-private partnership between the City and the Institutions dates back to 1869, when State legislation authorized the City to construct a facility for the new American Museum of Natural History. That same legislation provided for use of that City-owned facility by the private nonprofit organization that was formed in order to acquire the collection and oversee the presentation of exhibits and programs.

This model of public-private partnership has evolved steadily since that time, taking on various forms at different periods in the City's history. State legislation authorized the City's relationship with many of the oldest Institutions, including the Metropolitan Museum of Art, the New York Botanical Garden, the Wildlife Conservation Society, and what was then known as the Brooklyn Institute of Arts and Sciences. The latter's component parts later became The Brooklyn Museum, the Brooklyn Children's Museum, the Brooklyn Botanic Garden, and the Brooklyn Academy of Music.

As New York City's growth escalated during the second half of the twentieth century, the City began to focus on preservation of historic structures and notable buildings as a way to enrich the City's cultural offerings. In Queens, four Institutions were chartered by the State and City government to continue operating facilities built for the 1964-65 World's Fair in Flushing Meadows Corona Park: the Queens Museum of Art, the Queens Botanical Garden, the New York Hall of Science, and what later became known as the Queens Theatre in the Park. The goal of historic preservation also prompted the City's provision of support for Carnegie Hall, the Public Theater, Historic Richmond Town, a collection of historic houses located on City land and operated by the Staten Island Historical Society, and the Snug Harbor Cultural Center, a complex of historic buildings which also houses the Staten Island Children's Museum, the Staten Island Botanical Garden, and will eventually house the Staten Island Museum.

The number of Institutions increased dramatically as the City sought an increasingly diverse and dynamic pool of Institutions to serve the five

boroughs. Institutions added during this period included the Bronx Museum of the Arts, Jamaica Center for Arts and Learning, Studio Museum in Harlem, and others.

Most recently, the City has designated additional Institutions that contribute significantly to the City's cultural life, including the Museum of Jewish Heritage, Flushing Town Hall, and the American Museum of the Moving Image.

Each Institution's relationship with the City commenced in ways that reflected the City's cultural priorities at that time, and they vary widely in their organizational size, discipline, audience, and breadth of service. The strength of the Institutions is not only individual, but also collective: taken together, they offer New York City residents and visitors cultural riches that no other North American city can display, and to which only a handful of cities in the world can aspire.

## **B. Institutions Listing**

As of January 2005, the Cultural Institutions are:

American Museum of the Moving Image  
American Museum of Natural History  
Bronx County Historical Society  
Bronx Museum of the Arts  
Brooklyn Academy of Music  
Brooklyn Botanic Garden  
Brooklyn Children's Museum  
The Brooklyn Museum  
Carnegie Hall  
City Center  
Flushing Town Hall  
Jamaica Center for Arts & Learning  
Lincoln Center for the Performing Arts  
Metropolitan Museum of Art  
El Museo del Barrio  
Historic Richmond Town/Staten Island Historical Society  
Museum of Jewish Heritage  
Museum of the City of New York  
New York Botanical Garden  
New York Hall of Science  
New York State Theater (Resident Companies: New York City Ballet, New York City Opera)  
Public Theater/New York Shakespeare Festival  
PS1 Contemporary Art Center  
Queens Botanical Garden

Queens Museum of Art  
Queens Theatre in the Park  
Snug Harbor Cultural Center  
Staten Island Botanical Garden  
Staten Island Children's Museum  
Staten Island Museum  
Staten Island Zoological Society  
Studio Museum in Harlem  
Wave Hill  
Wildlife Conservation Society (Bronx Zoo and the New York Aquarium)

### **C. Compact Between Institutions and the City**

The City invests in its cultural facilities in order to provide an essential public service for the benefit of New Yorkers and visitors. Each year, the Institutions' physical holdings and wide array of exhibitions, performances and educational programs attract more than twenty million visitors, including 1.5 million visits from schoolchildren. Often housed in landmark facilities that have become some of the City's most cherished and significant public structures, the Institutions occupy in the aggregate 5.9 million square feet of space, including more than 33,000 theater seats and 700 acres of zoos and botanical gardens.

The Institutions leverage the City's investment in their facilities and operations by attracting private sector funding that supports innovative cultural programming. In turn, this programming reaps important economic, social and cultural dividends for the City by attracting tourists and contributing to the quality of life throughout the five boroughs. Through the magnificence of their physical holdings and the dynamism of their programmatic offerings, the Institutions comprise an essential part of the City's cultural patrimony, and play an invaluable role in securing the City's future economic and social vitality.

Among this diverse group, each Institution is bound by a public-private compact based on the premise that these Institutions are privately-run nonprofit organizations, operating in public facilities as part of DCA's Charter mandate to "plan, acquire, design, construct, improve and manage facilities for the conduct of cultural activities by the City." In the pattern that has evolved since 1869, the City upholds its compact with the Institutions through provision of public facilities for the Institutions' operations, public funds for the maintenance and support of those facilities and their operation, and access to a host of other benefits, including subsidized employee health and savings plans, and public funds for capital improvements. These and other benefits provided to the Institutions are detailed in section II.

In return for these privileges, the Institutions uphold their compact with the City by providing high quality cultural services accessible to the City's population. These cultural services may include artistic, scientific or cultural exhibitions, performances, conservation, historic preservation, educational programs, and other public programs that further the Institution's mission. In addition to providing these services, the Institutions must commit to various requirements related to the operation of their City-owned facilities, which are detailed in section III, and a range of obligations pursuant to the Institutions' public-private partnership with the City, which are detailed in section IV.

Although the City does not commit itself to any fixed level of support for the Institutions, the City's Charter, as amended in 1977, requires the Commissioner to recommend levels of support for the Institutions as part of the City's expense and capital budget processes. The process by which Institutions may request City funding for new needs is outlined in further detail in section V.

Each Institution is required to maintain its City-owned facility. However, in addition to its operating support, the City may, at its discretion, provide capital support for design, construction, equipment purchases and emergency repairs to the Institutions in order to sustain and expand the City's cultural facilities and resources. The process by which these projects are implemented is outlined in further detail in section VI.

DCA routinely assesses operations at cultural facilities in order to ensure accountability for the public facilities the Institutions occupy, and the public funds they receive. This assessment is carried out through staff site visits and review of reports that cover Institutions' programming, management, governance and public service. Additionally, DCA staff members attend board meetings at each of the Institutions, representing the Commissioner, who is an *ex officio* member of the board of each Institution. Details regarding DCA's review of the Institutions is provided in section VII.

Attached as Exhibit I is an "Index of Documents and Approvals" which charts those documents or actions subject to DCA review and/or approval, ordered according to their appearance in this Manual. Exhibit II, "DCA Capital Project Funding Process", provides a summary of the DCA's capital funding cycle, and Exhibit III, "DCA/DDC Capital Project Implementation Process", outlines the process by which standard DCA/DDC design and construction projects are carried out.

## **II. Benefits Received by the Cultural Institutions**

The City's relationship with the Institutions is based on the premise that they are privately managed organizations operating in public facilities established and maintained for the provision of cultural services and programs to the people of New York City. In return, the City provides the Institutions with rent-free facilities, and operating, capital, energy, and other support. As a matter of policy, the City does not discriminate among different cultural disciplines in determining the levels of operating, energy, and capital support to be provided to the Institutions.

The benefits provided to the Institutions by the City are as follows:

### **A. Use of City Facilities**

The City provides the use of its property rent-free to the Institutions in order to ensure that cultural programming and services are made available to the people of New York. Accordingly, all Institutions operate in whole or in part on City-owned property or in City-owned facilities. In most cases, the Institutions' primary facilities fall under the jurisdiction of DCA. Institutions may be required to pay rent on secondary or storage facilities, regardless of whether the property is City-owned.

### **B. Operating Support**

The largely unrestricted nature of the City's operating support is one of its greatest strategic values to the Institutions: funds that can be applied to general operating purposes provide a kind of stability that other, more restricted donations do not necessarily sustain. As a matter of policy, Institutions are given great latitude in the use of their City allocation in order to leverage private funding to the greatest extent possible.

While City operating funds are largely unrestricted, DCA reserves the right to approve how these funds are spent. For all Institutions, the City-funded portion of any employee's annual salary must not be greater than \$100,000, or deemed excessive for that position as determined by DCA.

Although operating support is available to all Institutions, the City does not commit to providing a fixed percentage of any Institution's total budget. Levels of operating support may fluctuate as the City's budget priorities change in response to the overall economic environment. The process for requesting additional City operating funds is outlined in section V-A.

### **C. Energy Support**

The City provides full or partial support for energy (heat, light and power) to each of the Institutions. DCA oversees the provision of energy appropriations, which are administered through the Office of Energy Conservation (OEC), a division of the Department of Citywide Administrative Services. All energy billing and payment is managed by

OEC, and paid directly by OEC to the service provider. Institutions work closely with OEC in order to ensure that the City remain within its energy budget; this process is outlined further in section III-F. The process for receiving increased energy support is outlined in section V-B.

#### **D. Employee Benefit Plan Contributions**

The result of a unique partnership between New York City and nonprofit cultural organizations, the Cultural Institutions Retirement System (CIRS) designs, manages and administers pension, savings, and welfare benefit plans for cultural, charitable, and educational organizations.

Institutions may join CIRS in order to obtain City funding of employer costs for participation in the CIRS 401(k) Savings Plan, the CIRS Group Life and Welfare Benefits Plan, and the CIRS Pension Plan. When a participating Institution funds an employee's annual salary with a portion of its DCA operating support, the City may, at its discretion, fund the employer cost of the CIRS benefits, based on the percentage of the employee's annual salary funded by the City. These funds do not pass through DCA's budget, but are paid directly to CIRS. For the portion of employee salaries that are not funded through DCA operating support, the Institution is responsible for all related employer costs of CIRS benefits.

Employer costs are determined by CIRS and reviewed by the Office of Management and Budget (OMB). The Institutions Unit will periodically audit participating Institutions' reports of DCA-funded employee reports against CIRS payment records.

Please note that CIRS is not part of the New York City Employees Retirement System (NYCERS).

#### **E. City Health Benefits Program**

In order to mitigate the cost of providing employee health benefits, the City allows Institutions to opt into the City's Health Benefits Program, including the City's health plan rates, for the Institutions' own employees. For most Institutions, the City will pay health plan premiums directly to the carrier, using funds from the Institution's operating subsidy. These Institutions must submit an accounting of employee health plan premiums to DCA with the monthly Expenditure Report, as described in VII-A-2.

In order to access the City's health plan package, the Institution must abide by all administrative and eligibility rules outlined in Health Benefits Administrative Rules, available on request from the Institutions Unit.

## **F. Collective Bargaining**

For Institution employees who are members of District Council 37 or other municipal unions, salary levels and related title/longevity increases are governed by the City's Career and Salary Plan (CSP). The CSP is negotiated between the City and municipal unions on a periodic basis. Institutions with DCA-funded, unionized employees may, at the City's discretion, receive incremental increases in operating budget allocations in accordance with pay increases negotiated by the City and the union(s). In order to accurately forecast the cost impact of collective bargaining agreements negotiated between the City and municipal union(s), the City requires Institutions to submit payroll information upon request, as outlined in section VII-B-2.

## **G. Capital Funding**

Each Institution is required to maintain its facility in good condition, including all structural repairs. In addition, the City may, at its discretion, improve and expand the City's cultural facilities and resources through capital investment in the Institutions. The goals of these investments include disaster prevention, better health, safety and security conditions, building preservation or restoration, and improved public access and service delivery. The Institutions, as well as other New York City-based nonprofit cultural organizations, are eligible to request City capital funds for specific capital projects, including design, construction and equipment and vehicle purchases. Please see section V-C for an overview of the capital funding process, and section VI for general information on capital project implementation.

Financial appropriations from the City's expense and capital budgets may be allocated by elected officials, and funneled through DCA's budget. The Mayor is bound by law to develop and implement the City's budget; as a Mayoral agency, DCA reserves the right to amend, withhold, or make contingent any adopted budget funding commitments that flow through DCA's budget.

### **III. Requirements for Operation of Facilities**

Public ownership of, and interest in, the Institutions' facilities form the basis for the public-private compact that governs the Institutions' relationship with the City, and obligates the City to exercise some degree of oversight of their operation. Therefore, Institutions must abide by the following policies:

#### **A. Nonprofit Status**

The Institution must maintain its status as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code, and comply with the Not-for-Profit Corporation Law of the State of New York.

In keeping with its maintenance of nonprofit status, the Institution must comply with generally accepted good practices applicable to the management of nonprofits, including adequate board governance and oversight of financial, personnel, development and other administrative procedures implemented by senior staff.

#### **B. Use of Premises**

1. The Institution must use its premises continuously for the provision of cultural services to New York City residents and visitors. The Institution should have sole programmatic and administrative control over the events and activities conducted within it, excepting obligations as outlined herewith and in each Institution's legal agreements with the City.
2. The Institution must comply with all laws, orders and regulations applicable to its use of the premises, and respond to all notices and correct all violations issued by any governmental entity in connection with such use.
3. The Institution must receive the prior written consent of DCA before agreeing to assign or sublet its premises. However, the Institution may grant a third party the right to use its premises for purposes intended to further the Institution's cultural mission. In all cases, the Institution's right to assign or sublet any portion of its facility is subject to provisions in its legal agreements with the City.
4. In order to earn income and/or serve community interests, the Institution may rent portions of its facility for temporary use, provided that doing so does not interfere with the Institution's cultural purpose or public service, nor violate its certificate of occupancy. The Institution should notify DCA in advance of any event or activity that will substantially restrict public access to areas of the premises usually open to the public.

5. Institutions shall ensure public access to its facilities and programs in accordance with all applicable laws and regulations.

### **C. Hours of Operation**

Institutions are obligated to maintain public access to cultural facilities. In order to meet this obligation, the public areas of the Institution's facilities must be open to the public on days and hours to be mutually agreed upon by the Institution and DCA. Non-performing arts Institutions must submit to DCA thirty days' notice of any change in the number of days and/or hours that the Institution is open to the public. For performing arts Institutions, any significant change in the schedule of performances (e.g. number of performances, length of season, closures not related to City-financed construction projects) also requires thirty days' notice to DCA.

### **D. Admission Fees and Ticket Prices**

In order to demonstrate commitment to its public service mandate, the Institution should maintain fee and ticket prices that are accessible to a broad spectrum of New York City's population. Institutions should provide free or reduced-price programming to the public on a periodic basis. Non-performing arts Institutions must receive prior written approval from the DCA Commissioner before implementing any changes to the general admission fee schedule (e.g. ticket price increases, moving from suggested to fixed admission fees, eliminating student/senior general admission discounts, etc.). Performing arts Institutions must receive prior written approval from the DCA Commissioner before implementing any price increases or substantive policy changes in standard public accessibility discount ticket programs. This requirement applies to established public access programs only (e.g. student rush, free community concerts), and not to ticket pricing discounts for sales or marketing purposes (e.g. patron program discounts, affinity group discounts, etc.).

### **E. Maintenance**

In order to ensure the safety of its visitors and employees, maintain public access, create a quality visitor experience, protect City assets, and prevent capital emergencies, the Institution must perform all tasks necessary to keep its premises safe and in good condition. This responsibility is independent of any City operating or capital funds that the Institution may receive.

Each Institution should have a comprehensive, formal maintenance plan that addresses how the Institution will handle all short-term and long-term capital and preventive maintenance requirements, and repairs for building

structures and systems. The maintenance plan should, among other things:

1. Specify plans to address the maintenance requirements of every area of the Institution's facility, including discrete interior and exterior spaces and systems, paving and sidewalks, and all other areas under the Institution's control.
2. Specify a schedule for performing maintenance tasks and inspections. The plan should include periodic maintenance and inspection procedures for every area of the Institution's facility.
3. Make specific reference as to how the fire safety and protection systems, security alarm system, HVAC, plumbing, electrical, and all other controlled systems are being maintained.
4. Describe an inspection process that includes a log of all legally mandated inspections, and the implementation of all required corrective procedures.
5. If applicable, distinguish between those tasks and inspections required to maintain the facility in good condition and ensure the safety of visitors and employees, and those tasks undertaken by the Institution that exceed this standard.
6. Be reviewed annually by the Institution in order to adapt to the changing needs of its facilities. The Institution should be able to produce the maintenance plan for DCA review upon request.

Institutions are required to secure all necessary permits and certifications for the operations of their facilities, and contractors or employees performing maintenance duties should obtain official certifications as necessary and required.

When making emergency capital funding requests to DCA (see section VI-C), the Institution should be able to demonstrate that it has developed a comprehensive maintenance plan as outlined above, and that it is carrying out the tasks required under the plan. In addition, the Institution should be able to demonstrate to DCA that it has undertaken responsible maintenance of its building systems and structures in order to reduce the likelihood of such emergencies occurring.

#### **F. Energy Consumption Management**

In order to ensure that the City remains within its annual energy budget, each Institution should designate an Energy Liaison Officer (ELO) to work

closely with DCA and the Office of Energy Conservation (OEC) to implement the City's energy cost control system. The ELO is responsible for:

1. Reviewing all energy use reports, and reporting any possible errors to OEC.
2. Providing utility companies with access to all facilities for meter reading, according to a schedule posted annually by OEC.
3. Notifying OEC promptly of any energy turn-ons or turn-offs.
4. Implementing OEC temperature and operating guidelines, and other energy or budgetary/conservation guidelines upon notification, as appropriate.
5. Providing information on any anticipated changes in energy consumption. At OEC's request, Institutions should provide a written justification if energy consumption differs significantly from the energy budget. More information on how Institutions may request increases in City energy support for new needs is outlined in section V-B.

#### **G. Risk Management**

In order to ensure public safety and protect City assets, each Institution must implement appropriate measures to safeguard its visitors, personnel, contents and premises. Each Institution's approach to risk management must include both prevention of and preparation for emergency situations. The Institution's responsibility to ensure public safety and protect capital assets is independent of the level of City support received by the Institution in any given year.

##### **1. Prevention**

The Institution is expected to implement appropriate measures to prevent the occurrence of security breaches or other potentially dangerous situations. These measures may include physical and operational security and deterrence measures to avert unauthorized entry to the premises (e.g. locks, alarm systems, ID and bag checks, security stations, etc.). In addition, the Institution must implement policies and measures to ensure that its facility is as safe as reasonably possible from fires and other material hazards (e.g. appropriate building construction materials, ventilation systems, a no-smoking policy, etc.), in accordance with all relevant building and fire codes.

## 2. Emergency Response Planning

The Institution must also have procedures in place to manage security breaches or emergency situations as they occur. This plan should encompass both communication and response systems.

a. **Communication Systems:** Communication is crucial to mitigating any threat to building contents, personnel and visitors posed by a security breach or other emergency. The Institution should have procedures in place to detect an emergency, notify appropriate personnel, and alert the relevant authorities.

b. **Response Systems:** In order to manage an emergency situation, the Institution should have necessary evacuation systems in place to remove all personnel and visitors from the premises, when necessary. In addition, the Institution should have systems in place to minimize property damage (e.g. IT disaster recovery procedures, fire ventilation and suppression systems, etc.).

3. All aspects of emergency prevention and response systems should be documented and tested regularly. It is imperative that all personnel receive appropriate emergency response training, with special attention to evacuation procedures.

4. The Institution should be able to present a plan outlining its basic risk management measures to DCA upon request.

5. The Institution must notify DCA immediately of any damage to its premises caused by fire or other casualty. The City may, at its discretion, elect to restore the premises, depending on the nature of the damage and availability of funds. If the Institution restores the damage, it must notify DCA about how this work will be performed.

## H. Insurance

1. Each Institution must obtain insurance from a responsible company or companies with A.M. Best ratings of not less than A-7, who are eligible to write insurance in the State of New York. Institutions are required to have at minimum the following insurance coverage:

a. **Commercial General Liability Insurance** with primary protection combined single limit of at least one million dollars per occurrence (for bodily injury, personal injury, or property

damage) and a yearly aggregate of at least two million dollars. These limit requirements may be changed from time to time at the discretion of the City, in order to reflect amounts which a prudent tenant or licensee of comparable size and endeavor would obtain.

b. Workers' Compensation Insurance and Disability Benefits Coverage as required by the laws of the State of New York, as well as Employer's Liability Insurance to cover bodily injury, accident or disease sustained by an employee in the course of employment, in amounts as may be specified by law (with appropriate proof of coverage available upon request).

c. The City may request that the Institution obtain other forms of insurance (e.g., fire and extended coverage) for insurance risks against which a prudent tenant of comparable size and endeavor would protect itself.

2. DCA encourages each Institution, as a prudent tenant, to purchase property insurance coverage of an appropriate level. As the primary user of its facility, the Institution has an insurable interest in its property, and in the event of a loss, property insurance coverage allows the Institution to make necessary repairs in a timely manner. The City is self-insured, and does not commit to repairing or rebuilding the Institution's facilities following a loss.

Should an Institution purchase property insurance coverage, the policy must note, where appropriate, that the Institution's facilities are owned by the City, and that the property is being insured by the tenant.

3. The City of New York, the New York City Department of Cultural Affairs, and their officials and employees must be named as additional insureds on all General Liability Insurance policies, and other policies where appropriate. These policies must contain an indemnification clause that specifically includes attorneys' fees, defense costs, and other related costs.

4. Should an insurer cancel, refuse to renew, or materially reduce insurance coverage, the policy provider and/or the Institution should provide DCA with thirty days written notice thereof, by registered or certified mail, return receipt requested.

5. The Institution is required to submit certificates of insurance to DCA, signed and issued by the insurance company, for each policy at the time such policy is obtained, and each time it is renewed or amended.

6. As a matter of policy, DCA discourages the use of self-insured retentions by the Institution. In the event that the Institution does purchase a policy with provisions for self-insured retentions, at the option of DCA, either (a) the insurer must eliminate such retentions as respects DCA, its officers, officials and employees, or (b) the Institution must procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. The Institution must comply with the provisions of all insurance policies. As soon as the Institution is put on notice of any major claim, accident or loss, the Institution must promptly inform DCA.

#### **I. Naming of Facilities**

DCA recognizes that Institutions may wish to provide capital naming opportunities in conjunction with private capital fundraising plans. However, because Institutions operate in public facilities, any naming or re-naming of any facility that is City-owned, supported with City capital funding and/or on City-owned property, must be coordinated with DCA prior to public release, according to the following guidelines:

1. Prior to the kickoff of any major capital fundraising campaign that contemplates the naming of major permanent City-owned public facilities (e.g. outdoor public spaces, auditoriums, theaters, buildings in their entirety), the Institution must submit a plan for DCA's review that states how the Institution proposes to use named spaces as a fundraising tool.
2. Should fundraising opportunities linked to the naming of major permanent City-owned public facilities arise independent of a previously submitted naming plan, the Institution must inform DCA for review prior to public announcement.

New capital expansion inevitably engenders increases in security, maintenance, and other operational expenses. DCA may require Institutions to identify and secure additional unrestricted income streams in order to meet these increased costs and assure the long term viability of capital expansion. The Institution should therefore consider the following when designing naming opportunities linked to fundraising proposals for capital expansion:

1. Raising endowment funds for the long-term operating costs of any new or improved portion of its facilities, in addition to funds for design and construction. At its discretion, DCA may require the designation of endowment funds for such purpose, prior to authorizing a permanent name change.
2. Creatively structuring naming opportunities in order to allow for future recognition of capital funders, especially in the event that the naming funder has not made sufficient provision for endowment funds sufficient to generate revenue required to operate the space.

#### **J. Concessions**

When letting concessions (e.g. parking lots, food services, gift shops, etc.) for earned income purposes, the Institution must undertake sufficient due diligence to ensure the public's safety and public interest with regard to the vendor's concession services. In all cases, the selection of concessionaire must be in compliance with the Institution's legal agreements with the City.

#### **K. Permits**

The Institution is responsible for applying on a timely basis for all permits, licenses and other approvals required in connection with any activity to be carried out on the premises (e.g. public assembly, certificate of occupancy, etc.). Copies of any required approvals should be maintained in readily accessible files and available to DCA upon request.

#### **L. Violations**

The Institution is responsible for promptly correcting any violations and paying any fines assessed by governmental or regulatory agencies. After a violation has been corrected, the Institution should send DCA supporting material to demonstrate that the violation has been addressed.

#### **IV. Partnership with the City**

In addition to the obligations outlined in section III, the City requires the Institutions to observe the following policies with respect to the partnership between the City and the Institutions:

##### **A. *Ex Officio* Board Membership**

In order to represent the public interest in the Institution, DCA's Commissioner and the Mayor serve as non-voting *ex officio* members of the Institution's Board of Trustees. At the Institution's discretion, other City officials may also serve as *ex officio* members of the board. The Commissioner may appoint a representative who may attend on his/her behalf any meeting of the board, including regular meetings of the full board, committee meetings, and all other formal board gatherings. At the invitation of the board, the Commissioner and his/her representative may attend executive sessions of board meetings. DCA staff must be notified in advance of all regular meetings of the full board, and may request schedules for committee meetings and other board gatherings.

##### **B. Institution Employees**

1. Institution employees are not employees of the City, and are not necessarily entitled to benefits accorded to employees of the City, regardless of the level of DCA operating support that covers some or all of the Institution's employee salaries, or the membership of employees in District Council 37 or other related municipal unions. The Institution is fully and solely responsible for the direction of, and payments of compensation to, its employees.

Please see sections II-D and II-E for information on City retirement and health benefit plans, and section II-F for information on the collective bargaining process between the City and municipal unions.

2. The Institution must comply with all applicable laws and regulations regarding non-discrimination in hiring, promotion, and retention of employees, and file any such reports as requested by DCA, the Office of Labor Relations, or other City agencies. Each Institution must maintain a written Equal Employment Opportunity policy, which must be made available to City officials upon request.

##### **C. Public Recognition of City Support**

In order to inform audiences of the public-private partnership between the City and the Institutions, Institutions should acknowledge DCA and other City support in print media, electronic media, and appropriate on-site signage, according to the following guidelines:

1. There should be a line crediting the City in all formal publications intended for the board, auditors, and other internal stakeholders, where general operating credit is given to other funding sources.
2. When representing the amount of City operating support to board members, funders, and other stakeholders in the ordinary course of business, Institutions should also include City energy support.
3. City support should be credited in all other printed matter and electronic media that describe the Institution, including press releases, as well as in advertisements that acknowledge other general operating support, according to the following guidelines:
  - a. DCA should be specifically mentioned as a source of support, and both the City's ownership of the facility and the funding received from DCA should be noted. Suggested language: "[Institution] is located [in a facility/on property] owned [in full or in part] by the City of New York, and its operation is made possible in part by public funds provided through the New York City Department of Cultural Affairs."
  - b. Wherever the Board of Trustees is listed, *ex officio* members of the board should be included.
  - c. The DCA logo should be used where possible, consistent with the Institution's general crediting policy.
4. A permanent plaque or sign should be placed in a prominent public area acknowledging the City's ownership of the facility and/or the property, and the support that the City provides through the Department of Cultural Affairs. Please see section IV-C-3-a for suggested language.
5. During the construction phase of City-funded capital projects, the City will, in most cases, erect a sign at the construction site, acknowledging the City's capital support. In the case of major pass-through contracts, the Institution itself should use appropriate signage to acknowledge DCA and other pertinent public agencies.
6. Because the executive branch of municipal government is responsible for developing and managing the City's budget, in all of the above cases, the New York City Department of Cultural Affairs, as a mayoral agency, should be specifically named, regardless of

the source of City support. Likewise, the Mayor should be included where other elected officials are mentioned in crediting materials.

7. The Institution must send DCA a copy of any draft press release related to a groundbreaking or ribbon-cutting for any City-funded capital project or major DCA-related initiative, with sufficient time for DCA to comment before information is released to the press. Copies of all other releases related to City-funded capital projects or major DCA-related initiatives should be forwarded to DCA coincident with release to the press. The Institution must also confirm the availability of the Commissioner and/or a designated representative prior to scheduling any groundbreaking or opening ceremony.

#### **D. Accounting for City Support**

1. Capital Support: All City-funded capital equipment and improvements are treated as fixed assets in the City's financial records for accounting purposes. For both standard City design and construction contracts, and pass-through contracts, the footnotes to the Institution's audited financial statements should include a statement based on the following:

"In fiscal [20\_\_] the City of New York allocated \$[ ] dollars for capital appropriations relating to [project]. The City's total commitment to [project] is \$[ ] over [ ] years, out of a total project cost of \$[ ]. From [ten years prior] to [present year], the City has contributed \$[ ] to the Institution's capital expenses.

2. Non-Capital Support: All non-capital City funds, including operating and energy support, should be included in the Institution's audited financial statements, and separately identified from other sources of income.

3. When applicable, footnotes to audited financial statements must state that the Institution's primary facility is owned by the City of New York, that its operation is made possible in part by public funds provided through the New York City Department of Cultural Affairs, and that the City provides support for the Institution's energy costs, in full or in part. Any additional City support, including pension appropriations (CIRS), rent subsidies, and funding from other City agencies must be clearly described in the notes.

**E. Liens and Encumbrances**

Recognizing that Institutions receive a wide array of benefits from the City, Institutions may not mortgage or permit to remain a lien or any other encumbrance against City-owned property, income derived from that property, or any funds that are appropriated by the City for the Institution's benefit without the prior written consent of DCA.

**F. Indemnification**

To the fullest extent permitted by law, the Institution must agree to defend, pay in behalf of, indemnify, and hold harmless the City of New York, its elected and appointed officials, employees, agents, volunteers and others working on behalf of the City of New York against any and all claims, demands, suits, or loss, including attorneys' fees, defense costs, all costs connected therewith, and for any damages which may be asserted, claimed or recovered by, against or from the Institution, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with the Institution's occupancy and/or use of the premises, or any other relationship between the Institution and the City.

**G. Investigation**

Institutions are expected to cooperate fully and faithfully with any investigation, audit or inquiry conducted by any governmental agency or authority.

## **V. New Needs Funding Requests**

The New York City Charter requires the Commissioner to recommend levels of City support for the Institutions as part of the City's expense and capital budget processes. Working with DCA, Institutions may make funding requests for new needs as follows:

### **A. Operating Support**

The process of requesting DCA operating support for new needs begins with the submission of an annual New Needs Request, as outlined in section VII-A-6. Prior funding levels, the justification provided by the Institution for the new needs, and the City's fiscal outlook provide the basis for DCA funding recommendations to the Mayor for inclusion in the January Preliminary Budget. When preparing budget recommendations for the Mayor, DCA staff considers each Institution's funding priorities, public service and management performance as indicated by the Final Report, other documents listed in section VII, and DCA staff assessment of the Institution.

### **B. Energy Support**

The City may consider increases in energy support levels for the Institution through an annual process directed by the Office of Energy Conservation (OEC), in consultation with DCA and OMB.

Each year, the Institution submits a budget form to OEC based upon anticipated changes in energy use at the Institution's facilities, including capital expansion, changes in hours of operation, or other changes to the Institution's operations. OEC reviews these budget forms as part of the process of determining the City's annual energy budget, and may fund increases in the Institution's energy usage in consultation with OMB. Any anticipated increase in energy consumption should be reported on the annual energy budget forms, and discussed with DCA and OEC well in advance of implementation. The Institution should copy the DCA Institutions Unit on the annual energy budget forms submitted to OEC, as outlined in section VII-A-5.

### **C. Capital Funding Support**

Biannually, DCA develops the Ten Year Capital Strategy, which serves as a basis for the annual capital budget. This strategy is based upon information provided by the Institutions according to a process directed by the Capital Projects Unit. In developing the Strategy, DCA balances the long term goals and needs of each Institution against current projects underway, and the City's limited financial resources.

## 1. Capital Eligibility

Requests for capital improvements and equipment purchases are reviewed for capital eligibility by DCA. Because the City's capital funding is financed by General Obligation bonds, The New York State Finance Law and the New York City Charter and regulations dictate the nature of work that is eligible for capital funding. Following these laws and regulations, the City has established baseline standards of purpose, cost, useful life, and replacement that must be met. Below is a summary of criteria for capital funding eligibility; for more information, please see the New York City Comptroller's Directive 10.

All capital projects must involve tangible property or other assets with a multi-year life. Projects eligible for capital assistance include the following:

- a. Design and construction or reconstruction.
- b. Acquisition or installation of a physical improvement.
- c. Purchase or development of individual units or systems of non-fixed equipment.

Please note that ongoing maintenance, warranties, programmatic activities, art commission, art restoration, and projects in which the City does not have a real property interest or equipment agreement are not eligible for capital funding.

The following rules apply to work eligible for capital funding:

- a. The proposed work must have a minimum useful life as established by the State Local Finance Law.
- b. The proposed work must have a minimum cost of at least \$35,000.

Exceptions to the Minimum Cost rule are made for the initial outfitting of a capital project or for a system of components that must work together in order to function, and for which the whole has a value exceeding \$35,000. Initial outfitting requests must be made at least six months after to the completion of a major capital construction project in order to qualify for capital eligibility.

## 2. Capital Funding Priorities

Requests for capital improvements and equipment purchases are reviewed according to the City's established capital priorities.

These priorities for investment include:

- a. Disaster prevention.
- b. Health, safety and security of facility users and the general public.
- c. Preservation or restoration of existing capital assets.
- d. Investment that would permit a reduction in City energy or operating support, or reduce an Institution's operating expenses.
- e. Public access and service delivery.
- f. Revenue generation for Institutions.

With regard to capital projects that expand cultural facilities, the Institution must provide the City with compelling justification for expansion, secure significant private funding in order to leverage the City's contribution, and demonstrate an ability to shoulder any additional operating costs engendered by the proposed expansion. Please see section III-I for guidelines on fundraising linked to naming of major City-funded capital facilities.

## 3. Capital Requests

Institutions may request City support for capital projects by completing a Capital Budget Request Form, which is distributed to the Institutions on an annual basis. This form requires Institutions to provide information on the proposed project(s), capital budget information, how the project relates to the master plan, how it would affect public accessibility to the Institution, the expense budget impact, etc.

## 4. Review of Capital Requests

DCA reviews the Institutions' requests for completeness and compatibility with other ongoing projects. After capital request priorities are determined, select proposals are submitted to OMB for consideration for inclusion in the Preliminary Budget or the Executive Budget (Borough Presidents' capital requests are included in the Executive Budget). The Mayor, City Council, and

Borough Presidents make adjustments to the capital budget, which are reflected in the City's Adopted Budget.

Please see Exhibit II, "DCA/DDC Capital Project Implementation Process" for a summary of DCA's budgeting process for capital projects.

## **VI. Capital Project Implementation**

The following section provides a brief introduction to the City's capital process (please also see Exhibit III, "DCA/DDC Capital Project Implementation Process" for a summary with timeline). Institutions that require more information should contact DCA's Capital Projects Unit staff.

### **A. Design and Construction Projects**

#### **1. Key Elements**

Regardless of funding source, all capital projects that take place on City property, and that contemplate major exterior improvement(s), new structure(s) and/or significant alteration must adhere to the following rules:

- a. DCA should be consulted on all projects prior to the implementation of the design process, regardless of the source of funding. In addition, all projects require review and preliminary approval by the Art Commission after 100% schematic design is completed, and final approval after final construction design documents are completed. In some cases, approvals from the Department of Buildings, the Landmarks Preservation Commission and other regulatory bodies must also be obtained during the design process.
- b. All projects must be implemented according to the City's building requirements. Construction is subject to all City, State and federal regulations (e.g. the Americans with Disabilities Act, OSHA regulations, Local Law, etc.).
- c. Design consultants must work in coordination with DCA and other relevant City agencies, regardless of the source of funding.

#### **2. City Process**

After a standard design and construction project has been accepted for City funding (please see section V-D for more information on the funding process), it will be implemented according to the following process:

- a. For DCA-funded capital projects, DCA determines which City agency will manage the project. Most design and construction projects are managed by the Department of Design and Construction (DDC), with DCA serving as liaison between DDC and the Institution.

b. All City-funded design and construction projects require the Institution to prepare a scope of work for DCA's review. DCA compiles the information and forwards it to DDC, who then drafts specific requirements for the project and confirms the Institution's cost estimate.

c. In consultation with DDC and the Institution, DCA determines the most appropriate contracting mechanism to be used for the design phase of the project, as outlined in section VI-A-3. OMB then issues a Certificate to Proceed (CP) with design.

d. After a design consultant has been selected, the consultant is responsible for developing schematic design documents, 50% final documents, and 100% final documents, all subject to review by DCA, DDC, and other relevant agencies.

e. After final design documents are accepted, OMB issues a Certificate to Proceed (CP) for construction, a construction bid package is prepared, and the project is bid according to one of the contracting mechanisms described in section VI-A-3.

f. DDC enters into a contract with the first low responsive and responsible bidder, and the contract is registered with the Comptroller's office.

g. Construction kicks off.

### 3. Contracting Mechanisms

According to standard City procurement rules, design consultant and construction contracts must be competitively bid within the framework determined by the selected contracting mechanism, as outlined below:

#### a. Request for Proposals (RFP)

The RFP process includes development of an RFP by the Institution, DDC and DCA, review of consultant proposals, selection of the consultant, and registration of the consultant and the project with the relevant City agencies. This process is most appropriate for complex design and construction projects that require a high degree of control and oversight by the Institution. Of the various contracting mechanisms

available to the Institution, the RFP requires the most amount of time to implement.

b. Requirements Contract (RC)

On a periodic basis, DDC undertakes a competitive bid process that results in a fixed pool of city contractors who meet standard requirements for certain types of projects, according to the type of client and the type of work undertaken. When an Institution is ready to commence the capital design or construction process, DDC and DCA work in consultation with the Institution to select a consultant already within the RC pool to undertake the project. The RC is appropriate for less complex, minor alteration and renovation work, providing less control to the Institution in exchange for an expedited timeline.

c. Job Order Contracting System (JOCS)

On a periodic basis, DDC undertakes a competitive, trade-specific bid process based upon unit costs of materials and labor, resulting in a fixed pool of contractors who are qualified to undertake discrete projects (e.g. repair of an electrical system, installation of a studio floor, etc.). Once the Institution is ready, DDC can immediately initiate a task order with a contractor, avoiding lengthy contract negotiations. JOCS is appropriate for alteration, renovation and minor new construction projects where design needs are extremely limited. This mechanism provides the Institution a greatly expedited project timeline in exchange for less control over the contractor selection process.

d. Construction Manager Contracts (CM)

CM contracts are appropriate for large, complex, multi-site, and/or time-sensitive projects. CMs are selected from DDC's list of specialized firms with experience in complex construction projects. This type of contracting mechanism requires special approvals from the Mayor's Office of Contracts. CM contracts may be used for pre-construction, construction, or some combination of the two.

e. Pass-Through Contracts

The pass-through contract mechanism allows an Institution to directly manage its own capital project using City funds and subject to certain City approvals. The Institution contracts directly with the City, agrees to complete a guaranteed scope of work, and bears full responsibility for

cost overruns. Contracts are awarded at DCA's discretion, and only projects greater than \$1 million are eligible for consideration. Additional criteria for pass-through contract eligibility, and the specific procedures to be followed are outlined in the Pass-Through Contract Guidelines, a copy of which may be obtained from the Capital Projects Unit.

Please note that design and construction phases may be undertaken using different contracting mechanisms for each.

A detailed explanation of the City's capital process is outlined in the DDC "Client Manual" and the DDC "Consultant Guide", available on request from DCA.

#### 4. Site Safety Emergency Response Protocol

Every City-funded construction project must have in place a site safety emergency response protocol, including an internal and public emergency notification process. For more information, please contact DCA's Capital Projects Unit.

#### 5. Percent for Art Program

Pursuant to the 1982 Percent for Art law, the City makes public art accessible throughout New York City by requiring that at least one percent of the construction budget for City-funded construction projects be allocated to the commission of on-site artwork. Percent for Art projects are site specific, engage a variety of media, and commission artists that reflect the diversity of New York City.

Generally, projects that cost more than \$5 million, take place in a City-owned building, include facilities open to the public, and involve a major renovation of at least four systems are eligible to participate in the program. Once eligibility has been determined, one percent of the first \$20 million of City capital funds may be allocated, and .5% of any additional funds beyond that. Project costs range from \$50,000 to a maximum of \$400,000.

After a construction project has been identified, the Percent for Art Program notifies the appropriate Borough President, City Council member, and Community Board to approve the inclusion of Percent for Art at a particular site. They are also invited to attend the artist selection panel meetings and are kept informed of the project's progress.

## **B. Equipment Purchase**

The City's equipment purchase process is similar to that of standard design and construction projects. After assisting the Institution in refining the scope of the project, DCA obtains the specifications for the equipment from the Institution, and oversees the bidding process for all equipment purchases. Most purchases are handled by the Department of Citywide Administrative Services (DCAS) and the Department of Information Technology and Telecommunications (DOITT). This process usually takes up to six months after complete bid documents have been assembled.

Like design and construction projects, City-funded equipment purchases are subject to capital eligibility requirements and the City's procurement rules. Further details on the equipment purchase process are outlined in "Equipment Purchase: Standard Procedure", available on request from DCA's Capital Unit.

## **C. Emergency Repair Funding**

At DCA's discretion, and depending on the availability of funds, the City may finance emergency repair work at the Institutions. For DCA's purposes, a capital repair emergency constitutes an "imminent threat to health, safety, property or a necessary service." Emergency repair funds are extremely limited, and DCA usually expects that the Institution match funds on at least a one-to-one basis. In all cases, emergency funds are subject to capital eligibility requirements, and will be allocated at the sole discretion of DCA. Emergency repairs are conducted in accordance with the City's standard procurement procedures.

## **D. Disposal of Capital Assets**

All capital improvements and equipment funded through the City's capital budget are considered by the Comptroller to be fixed assets of the City. In order to fulfill its responsibilities to New York City taxpayers, the City must observe a formal relinquishment process before disposing of any capital assets purchased wholly or in part with public funds. Prior to disposing of any City capital asset, including equipment and vehicles, the Institution must complete and send relinquishment forms to DCA's Capital Projects Unit, describing in detail the asset and the rationale for disposal. After evaluating the request, DCA will obtain approval for disposal of the capital asset(s) from the Department of Citywide Administrative Services Salvage Unit. The Institution may dispose of the asset(s) in question only after formal approval from DCA and DCAS has been received.

DCA reserves the right to request the return of any City property.

## **VII. DCA Monitoring of Institutions**

The Department of Cultural Affairs staff monitors the Institutions on an ongoing basis to ascertain compliance with requirements outlined in this Manual and in operating agreements, leases or licenses issued by the City of New York. This activity takes place through regular review of documents submitted to DCA as described in sections VII-A and VII-B below. In addition, as representatives of the DCA Commissioner, DCA staff members attend the Institution's board meetings, public programs, community activities, and other events in order to keep apprised of activities at the Institutions, and maintain working relationships with the Institution's staff and board members.

DCA staff may periodically conduct in-depth reviews of specific concerns identified during the course of regular monitoring activities as described above. In addition, DCA staff may also review compliance with Federal, State or City laws, codes, or contracts, or any other issue designated by the Commissioner of Cultural Affairs.

### **A. Documents to be Submitted Periodically to DCA**

In order to effectively evaluate the governance, management and activities of the Institutions, each Institution must submit to DCA certain required documents regarding the Institution's operations and use of City funds. DCA reviews these submissions for completeness and consistency with the Institution's needs and the City's priorities, and may request changes to the information submitted, should it not meet these criteria. Required documents include:

1. **Obligation Plan:** A projection of the Institution's expenditure of its City operating subsidy over the course of one fiscal year. Reporting must be done according to guidelines detailed in the Obligation Plan and Expenditure Report Instructions Manual, which is updated and sent to the Institutions each fiscal year, and available upon request from the Institutions Unit.
2. **Payment Requests and Expenditure Reports:** A monthly request for payment of an Institution's City operating subsidy, and a written accounting of expenditures of City funds for the month prior, respectively. Reporting should be done according to guidelines detailed in the Obligation Plan and Expenditure Report Instructions Manual.
3. **Final Reports:** An annual report on the Institution's programming, finances, board, staff, public accessibility, and other aspects of the Institution's operations over the course of one fiscal

year. DCA staff will forward each Institution a copy of a blank Final Report to be completed by a due date assigned by DCA.

Other required attachments to the Final Report include, but are not limited to, the following:

- a. Current Institution by-laws.
  - b. Any formal annual report published by the Institution.
  - c. Audited financial statements prepared according to Generally Accepted Accounting Principles (GAAP), and accompanied by a report from an independent certified accountant based on an examination conducted in accordance with GAAP, including any management discussion and analysis.
  - d. Current year operating budget.
  - e. Insurance certificates as specified in section III-H.
  - f. Other documents as requested.
4. Board Materials: All materials distributed to the board, including operating budget materials, meeting agendas and minutes, board handbooks, etc.
5. OEC Annual Energy Budget Forms: Energy budget forms due to OEC on an annual basis, detailing anticipated changes in energy use at an Institution's facilities. These forms should be copied to DCA's Institutions Unit. More detail on the process of energy funding for the Institutions is available in sections II-C, III-F and V-B.
6. New Needs Request: Forms due to DCA on an annual basis, identifying new operating budget priorities for the next fiscal year.

#### **B. Documents to be Made Available to DCA upon Request**

Upon request, each Institution must make available to DCA the following documents:

1. Financial records: All financial records must be made available for inspection and audit by DCA and/or the Comptroller's office. Records of City funds and related expenditures should be easily distinguishable from other contributed income and total assets.

2. Payroll records: Institutions' City-funded employee payroll records must be made available to DCA and the Comptroller's office so that the City may accurately determine the impact of certain budget actions, including collective bargaining settlements.
3. Maintenance Plan: For specific guidelines as to what the Maintenance Plan should include, see section III-E of this Manual.
4. Risk Management Plan: For specific guidelines as to what the Risk Management Plan should include, see section III-G of this Manual.
5. Any operating agreements, licenses, or other contracts with the City.
6. Any other reports or information as requested. Examples of ad-hoc requests may include program brochures, detailed information on finances, attendance, insurance, employee hiring, retention and dismissal policies and plans, etc.

### **C. Inspection**

Upon reasonable notice, DCA and all other City agencies with jurisdiction over or interest in the Institution and its premises must have access to the premises for inspection.

## Exhibit I: Index of Documents and Approvals

(Items are displayed according to their appearance in the Procedures Manual)

Section	Item	Action	City Contact	Required Notice
<b>III. Requirements for Operation of Facilities</b>				
III-B-3	Long Term Sublet	Request DCA Approval to Proceed	DCA Commissioner	Sufficient for DCA Response
III-B-4	Activity Restricting Public Access to Property	Notify DCA	Institutions Unit	Sufficient for DCA Response
III-C	Change in No. of Days/Hours Open to Public (Non-Perf. Arts Inst.)	Notify DCA	Institutions Unit	30 Days Prior to Implementation
III-C	Significant Change in Schedule of Performances (Perf. Arts Inst.)	Notify DCA	Institutions Unit	30 Days Prior to Implementation
III-D	Changes to General Admission Fee Schedule (Non-Perf Arts Inst.)	Request DCA Approval to Proceed	DCA Commissioner	Sufficient for DCA Response
III-D	Changes to Discount Tkt./Public Access Programs (Perf. Arts Inst.)	Request DCA Approval to Proceed	DCA Commissioner	Sufficient for DCA Response
III-E	Maintenance Plan	Make Avail. for DCA Review upon Request	Inst. and Capital Units	ASAP following DCA Request
III-F	Changes in Energy Usage, Turn-Ons, Turn-Offs, etc.	Notify/Correct	OEC	ASAP
III-G	Risk Management Plan	Make Avail. for DCA Review upon Request	Institutions Unit	ASAP following DCA Request
III-H-4	Cancellation or Material Change in Insurance Coverage	Notify DCA	Institutions Unit	30 Days prior notice
III-H-5	Certificates of Insurance - Policy Renewal or Amendment	Notify DCA	Institutions Unit	ASAP upon Renewal/Amendment
III-H-7	Major Accident, Loss or Insurance Claim	Notify DCA	Institutions Unit	ASAP
III-I-1	Naming of Major City-Owned Public Facilities	Request DCA Review	DCA Commissioner	Sufficient for DCA Response
III-K	Permits, Licenses and other Approvals	Make Avail. for DCA Review upon Request	Inst. and Capital Units	ASAP following DCA Request
III-L	Government or Regulatory Violations	Notification of Correction	Inst. and Capital Units	ASAP upon Correction

Section	Item	Action	City Contact	Required Notice
<b>IV. Partnership with City</b>				
IV-B-2	Equal Employment Opportunity Policy	Make Avail. for DCA Review upon Request	Institutions Unit	ASAP following DCA Request
IV-C-6	Draft Press Releases related to City-funded projects or City Initiatives	Request DCA Comments	Institutions Unit	Sufficient for DCA Response
III-C-6	Confirmation of DCA Availability for Groundbreaking Events	Request DCA Rep Attendance	DCA Commissioner	Sufficient for DCA Response
<b>V. New Needs Funding Requests</b>				
V-A/VII-A-6	New Needs Form	Request for DCA Review and Budgeting	Institutions Unit	According to DCA Deadline
V-B/VII-A-5	Annual OEC Budget Form	OEC Review and Budgeting	OEC/CC to Inst. Unit	According to OEC Deadline
V-C-3	Annual Capital Budget Request Form	Request for DCA Review and Budgeting	Capital Unit	According to DCA Deadline
<b>VII. DCA Monitoring of Institutions</b>				
VII-A-1	Obligation Plan	Request for DCA Review/Approval	Institutions Unit	According to DCA Deadline
VII-A-2	Payment Requests	Request for Payment	Institutions Unit	According to DCA Deadline
VII-A-2	Expenditure Reports	Report to DCA for Review	Institutions Unit	According to DCA Deadline
VII-A-3	Final Reports and Supporting Materials	Report to DCA for Review	Institutions Unit	According to DCA Deadline
VII-A-4	Board Materials	Make Available to DCA	Institutions Unit	Prior to Board Meetings
VII-B-1	Financial Records	Make Avail. For DCA/Comptroller's Audit Upon Request	Inst. Unit/Compllr.	ASAP Following Request
VII-B-2	Payroll Records	Make Avail. For DCA/Comptroller Upon Request	Inst. Unit/Compllr.	ASAP Following Request

**Please Note:**

- (a) Please see Exhibit II, "DCA Capital Project Funding Process" and Exhibit III "DCA/DDC Capital Project Implementation Process" for an overview of action items and timelines related to capital projects.
- (b) Any requirements outlined in the Institution's legal agreements supersede the information in this index.

## Exhibit II: DCA Capital Project Funding Process

Standard City Design/Construction, Based on Fiscal Year

Step	Description	Optimum Schedule
1	DCA sends Capital Request Form to Institution.	August
2	Institution requests funding for next FY.	September
3a	DCA reviews and ranks requests for new projects and additional funding for existing projects.	September-December
3b	DCA prepares draft Preliminary Ten Year Plan Strategy (biannually).	Prepared in odd FYs
4	OMB and Deputy Mayor review requests.	December
5a	Mayor releases Preliminary Budget for following FY.	January
5b	Mayor releases Preliminary Ten Year Capital Strategy (biannually).	Issued in even FYs
6	DCA recommends projects for elected official funding: Borough Presidents (Sect. 211) (January - February) Borough Presidents Round 2 (Sect. 249) (March - April) City Council (Sect. 254) (February - April)	January - April
7	Mayor and BPs issue Executive Budget (ties into NY State budget release).	April-May
8	Citywide Budget is adopted by City Council.	May-June
9a	DCA Capital Budget receives new funding (Mayor, BP, Council).	July 1
9b	DCA/OMB/Elected officials confirm funding amounts and schedule for September Commitment Plan.	August-September

## Exhibit III: DCA/DDC Capital Project Implementation Process

### Standard City Design/Construction

Step Description	Optimum Schedule
1 DCA sends a Program to DDC based on Institution's project scope and estimate.	July-September
2 DDC checks funding, assigns project manager and DDC project team.  (DDC will accept new projects after Q1 of the FY, subject to verification of funding in the Sept. Commitment Plan and the City's financial database. If project funding is not verified, DDC will accept DCA Programs but will incorporate them into the next FY's Commitment Plan Target).	2-3 weeks after receipt of program
3 DDC project manager directs writing of Specific Requirements (SR) and cost estimate, which will serve as the basis for the scope of services for the consultant. A contracting mechanism is chosen (JOCS, Requirements Contract (RC) or RFP). (This process may take 6 months - 1 year, depending on staffing, funding, scope and jurisdictional issues related to the project).	8-12 weeks
4 Project team, DCA and Institution review and approve RFP or Task Order (in the case of JOCS or RC). Consultant ranking criteria is determined.	4-6 weeks
5 RFP or Task Order issued to list of consultants (usually includes mandatory site visit)	4 weeks
6a Proposals are received and reviewed by project team, and a consultant is selected and approved.  (If by RFP, a Selection Committee meets to rank and select consultant(s) to be interviewed. Interviews are held and consultant is selected. Depending on the contracting mechanism, the contract may be subject to some or all of the following processes: DDC executive approval, Public Hearing, MOCS contract awarding and Vendex registration).	3-6 weeks
6b OMB issues Certificate to Proceed (CP).	Minimum 1+ month from request
7 Contract registration by Comptroller.	4 weeks

Step	Description	Optimum Schedule
8	<p>Consultant undertakes design process.</p> <p>Prepreliminary Report.</p> <p>Schematics Development.</p> <p>Preliminary Document Review and Approval (not all projects may be subject to all approvals listed here).</p> <p>Landmarks Commission review.</p> <p>Art Commission review.</p> <p>City Planning: ULURP for site selection, special districts, zoning.</p> <p>NYS/NYC Environmental Review.</p> <p>NYC Parks review for Institutions on parkland.</p> <p>NYC DOT review of builder's pavement plans.</p> <p>(If the cost estimate exceeds the budget, the project may be delayed by scope reduction process and/or pending additional City funds in another budget cycle).</p> <p>Preparation of 50% Final Documents.</p> <p>Preparation of 100% Final Documents.</p> <p>Landmarks Commission review (not necessarily applicable to all projects).</p> <p>Art Commission review.</p> <p>Preparation of Compliance Documents (including DOB filings).</p> <p>Preparation of Bid Package.</p>	1-2 years
9	OMB issues CP for construction (see 16b).	Minimum 1+ month from request
10	Bid, award and contract registration.	3-4 months
11	Construction begins with notice of award and official kickoff.	Typical Duration: 1+ year(s)