



THE COUNCIL
THE CITY OF NEW YORK
FINANCE DIVISION
250 BROADWAY, 15TH FLOOR
NEW YORK, N.Y. 10007-2594

LATONIA MCKINNEY
DIRECTOR

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April 24, 2020

Re: Guidance Regarding Fiscal 2020 Discretionary Contracts

Dear City Agencies,

The New York City Council offers this guidance for the reimbursement of costs pursuant to discretionary awards made in Fiscal 2020, and specifically for the period between March 23, 2020 and June 30, 2020. The Council values our not-for-profit partners and the critical services that they provide for the residents of New York. We understand that the COVID-19 pandemic has created significant financial uncertainty for many of our providers and we hope that the policies set forth below will afford a measure of certainty and outline the ability of providers to be reimbursed for eligible work performed through the date of this letter.

As a reminder, all awards are subject to the restrictions on the awarding and use of discretionary funds which will remain applicable throughout this period. Those restrictions can be found in the Council's Discretionary Handbook. (<https://council.nyc.gov/budget/discretionary-funding-policies-and-procedures>)

On April 21, 2020, providers were sent a letter explaining that the City will be reimbursing discretionary contract expenses incurred on or before March 22, the date that Governor Cuomo placed New York on PAUSE. For expenses incurred after March 22, 2020, the below guidelines on which activities, programs and services are "essential" and "not essential" will be applied for the remainder of Fiscal 2020.

ESSENTIAL

1. Activities, programs or services outlined in the Executive Order that is deemed "Essential Business." (<https://esd.ny.gov/guidance-executive-order-2026>)
2. Any activity, program or service that can continue in the SAME way prior to the PAUSE starting on March 22, 2020.

NOT ESSENTIAL

1. Any activity, program or service prohibited as a result of the Executive Order, that makes any activity / program prohibited as a result of social distancing.
2. Any activity, program or service that has not commenced as of March 22, 2020.
3. The purchase of equipment or materials for activities, programs and services that cannot be performed during the PAUSE period.
4. Operating costs when the organization is unable to perform any activities, programs or services.
5. Expenses necessarily incurred between March 23, 2020 through April 24, 2020 should be reimbursed subject to regular agency requirements.

In addition, as per usual procedure, prior to reimbursement providers must have a registered contract and must submit documentation to support reimbursable expenses.

If you have any questions, please email discretionary@council.nyc.gov. We will address any questions or concerns promptly. Thank you.

Sincerely,
Latonia R. McKinney

cc: Melanie Hartzog, Director, Office of Management and Budget
Daniel Symon, Director, Mayor's Office of Contract Services