



Elisheba Lewi

Chief Procurement Officer
Division of Contracts and Purchasing

Client Services: 718-935-4444

Vendor Hotline: 718-935-2300

<http://schools.nyc.gov/DCP>

FROM: Elisheba Lewi, Chief Procurement Officer
New York City Department of Education

TO: Charlette Hamamgian, Deputy Comptroller
Office of the New York City Comptroller

SUBJECT: Ratification of Procurement Despite Minor Procedures Violations

DATE: October 2, 2025

RE: Apple Inc. (20269675235)

MEMORANDUM

As Chief Procurement Officer of the New York City Department of Education (the "DOE"), I hereby ratify the subject procurement despite the Minor Procedures Violations in connection therewith. Please note that all terms capitalized herein which are not otherwise defined herein shall have the meanings ascribed to such terms in the DOE's Procurement Policy and Procedures (the "PPP").

I hereby approve the above referenced agreement with Apple Inc. (the "Contract") pursuant to Section 1-03(g)(1)(ii) of the PPP.

Upon your office's review of the Contract documentation for registration, it was discovered that the Notice of Intent to enter into the Contract was inadvertently not advertised in the City Record and the Chief Procurement Officer's sole source determination was not separately memorialized as required by Sections 3-07(c)(1) and 3-07(b), respectively, of the PPP (the "Relevant Procurement Provisions"). The DOE published its intent to enter into the Contract, and the facts that support the Chief Procurement Officer's determination that this sole source goods procurement was necessary, on the Contracts Agenda for the Panel for Educational Policy meeting held on or about November 20, 2024.

The Contract is for the provision of Apple devices, including iPads necessary to accommodate students with disabilities. The DOE has a legal obligation to provide students with disabilities with the equipment necessary to accommodate their special needs, and Apple was determined to be the sole source for these specialized devices.

The determination was made to enter into a sole source agreement with Apple because Apple Authorized Resellers are prohibited from selling Apple products to private or public educational institutions in the United States. In addition, customization by any party other than Apple voids product warranties.

The purpose of the Relevant Procurement Provisions, which require the public posting of proposed procurement actions and the Chief Procurement Officer's determination that such a procurement is necessary and appropriate, is to provide other possibly qualified entities an opportunity to provide the DOE with expressions of interest in providing the goods and/or services relevant to the published procurement action and ensure that such a solicitation is warranted. Here, the

intent to enter into the Contract and the information that would have been contained in a formal documentation of the Chief Procurement Officer's determination were included on the DOE's website, so the violations of the Relevant Procurement Provisions have been deemed to be minor on our part.

In light of the foregoing, I have determined that: (1) the posting of the intent to extend the subject contract on the DOE's website had the effect of providing other possibly qualified entities an opportunity to provide the DOE with expressions of interest in providing the goods and/or services relevant to the published procurement action, despite such posting not having been advertised in the City Record; (2) it is in the best interests of the DOE for me, as the Chief Procurement Officer, to ratify the subject procurement despite the subject Minor Procedures Violations because schools will be able to purchase Apple devices directly from the vendor at the best possible price with the necessary technical support and warranties; and (3) ratification of the procurement would not constitute a violation of any law applicable to the procurement process.

Therefore, I hereby ratify the decision of the DOE, despite the Minor Procedures Violations in the form of the notice of intent to enter into the Contract not having been posted in the City Record or preparation of a separate Chief Procurement Officer's determination that the sole source goods procurement was necessary. Notice of this ratification will be posted on the DOE's website within thirty (30) days in accordance with Section 1-03(g)(3) of the PPP.

Signed by:

CCA72340137B416...

Elisheba Lewi
Chief Procurement Officer
New York City Department of Education

10/2/2025

Date