

OPERATION OSWEGO COUNTY, INC.
BOARD OF DIRECTORS MEETING
Lake Ontario Event and Conference Center
26 East First Street, Oswego, New York
December 2, 2015

PRESENT:

BATEMAN
BEHLING
CULLINAN
GRECO
HIMES

JOYCE
LaMONTAGNE
MERVINE
MURPHY
PHELPS

QUENVILLE
SHARKEY IV
TOTH
TURNER

Ex-Officio: Church and Sorbello

Staff: Treadwell, Dano, Wheelock, LiVoti, Woolson, Perwitz

Guests: Kevin C. Caraccioli, Esq.

President LaMontagne convened the meeting at 3:11 p.m. at 26 East First Street in Oswego.

APPROVAL OF MINUTES

On a motion by Mr. Turner, seconded by Mr. Phelps, the Board of Directors Minutes of September 22, 2015 were approved.

FINANCIAL REPORTS

Treasurer Greco gave an overview of the Financial Statements for the period ending September 30, 2015 for Operation Oswego County, Inc. **On a motion by Mr. Quenville, seconded by Mr. Behling, the Financial Statements for the periods ending July 31, August 31, and September 30, 2015, were approved.**

Treasurer Greco gave an overview of the Financial Statements for the period ending September 30, 2015 for Operation Oswego County Foundation, Inc. **On a motion by Mr. Behling, seconded by Mr. Turner, the Financial Statements for the periods ending July 31, August 31, and September 30, 2015, were approved.**

COMMITTEE REPORTS

Executive – Mr. Treadwell gave an overview of the Executive Committee meeting held on November 10, 2015. The Executive Committee, as the Loan Committee, approved a loan of up to \$200,000 (authorized and provided by the IDA via a Hospitality Initiative) through Operation Oswego County, conditioned on Oswego CDO providing a \$100,000 loan. **On a motion by Mr. Phelps, seconded by Mr. Behling, authorization was approved for OOC to enter into a funding agreement with the IDA for a Hospitality Initiative to include lending up to \$200,000 for the Holiday Inn Express Project. Mr. Quenville, Mr. Mervine and Mr. Joyce abstained.**

Mr. Caraccioli reported that the Oswego County Board of Ethics would not oversee Operation Oswego County because there is no County Appointment to its Board. Mr. Caraccioli noted that OOC may have to set up its own Board of Ethics.

Real Estate Development – Mr. Wheelock gave an overview of the meeting held on October 26, 2015.

COMMITTEE REPORTS (continued)

Marketing and Development – Ms. LiVoti gave an overview of the meeting held on October 21, 2015. Ms. LiVoti noted the Fund Drive is at \$28,582 to date, which is 64% of the goal of \$45,000, with 62% Board participation.

On a motion by Ms. Hines, seconded by Mr. Mervine, the Committee Minutes/Reports were approved.

Majority Vote

Mr. Caraccioli reported that Operation Oswego County's Bylaws are silent on what constitutes a majority vote. Roberts Rules indicate that a majority vote would be a majority of the votes cast at the meeting.

Consent Agenda Policy

Mr. Caraccioli reported that the Executive Committee discussed a Consent Agenda in depth. The Consent Agenda Policy is designed to streamline the meeting. Any member can pull an item from the Consent Agenda for discussion. **On a motion by Mr. Mervine, seconded by Mr. Cullinan, the Consent Agenda Policy was approved.** Policy is attached and made an official part of the minutes.

Policies/Charters for ABO Compliance

Mr. Caraccioli reported that three more policies for Local Authorities, required by the State ABO, were approved by the Executive Committee. A question about collateral requirements to secure deposits was made. Mr. Treadwell noted that the funds are spread out in different banks, relying on FDIC insurance. **On a motion by Mr. Toth, seconded by Mr. Phelps, the following policies were approved: Disposition of Property Guidelines, Investment Policy and Procurement Policy.** Policies are attached and made an official part of the minutes.

US SBA Program

Mr. Treadwell reported that there has been no reply to the Corrective Action Plan submitted to the US Small Business Administration. SBA approved Happy Hearts Childcare for \$56,000 in the last fiscal year, one short of the goal. The Holiday Inn Express approval was received on October 8, 2015, achieving our Plan of one approval per quarter. The Holiday Inn Express debenture is three times larger than any 504 OOC has done at \$2,513,000.

2016 Action Plan

Mr. Treadwell highlighted some of the accomplishments from the 2015 Action Plan and some of the new goals for 2016. **On a motion by Mr. Quenville, seconded by Mr. Behling, the 2016 Action Plan was approved.**

Upstate Energy Jobs Campaign

Mr. Treadwell gave an overview of the Upstate Energy Jobs Campaign. Mr. Treadwell personally thanked those who helped in completing the task on time. Ms. LiVoti played the video that was created. Mr. Treadwell noted that Mr. Toth, as the lead spokesperson, is doing a great job. Campaign continues with a lot of organizations helping out. Mr. Cullinan noted the workers are all appreciative of the help and holding out hope, it is very somber there. Entergy is offering relocation

to employees.

URI and CFA Awards

Mr. Treadwell noted that the announcement is scheduled for 10:30 a.m. on December 10, 2015. There will be 3 winners (4 losers) in the URI competition. CFA Round 5 has a lot of good projects as well. Mr. Treadwell said he is optimistic, however if won, there are a lot of components and work to be done.

Oswego County Economic Development Strategic Plan

Mr. Church reported that this plan derives out of the Poverty Reduction Task Force started about a year ago. Focus groups with government, private businesses, 9 school districts, non-profit organizations and clergy were assembled and a report to the public will be given on December 8th at CiTi. The report will outline new strategies for the County in many areas to help survive and thrive.

Economic Development Projects

Mr. Treadwell gave an update on the following projects: Debz Diner, Sunoco, Inc., R&D Design & Associates, Tailwater Lodge Banquet Facility, Zink Shirts and Dollar General in Minetto.

ADJOURNMENT

On a motion by Mr. Turner, seconded by Mr. Quenville, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Michael Quenville
Secretary

OPERATION OSWEGO COUNTY, INC.

CONSENT AGENDA POLICY

Adopted the 2nd day of December, 2015

PURPOSE

The purpose of a Consent Agenda is to expedite the conduct of routine business during Board meetings in order to allocate more meeting time to education and discussion of substantive issues related to the mission and purpose of Operation Oswego County, Inc.

POLICY

1. The Consent Agenda shall consist of routine financial, legal and administrative matters that require Board action.
2. Consent Agenda items are expected to be non-controversial and not requiring of discussion.
3. The Consent Agenda shall be voted on in a single majority vote, but may be divided into several, separate items.
4. Motions, resolutions and all supporting materials for the Consent Agenda shall be sent to Board members at least one week in advance of the meeting.
5. The Consent Agenda shall be considered early in the Board meeting. The Chair of the meeting will ask if any member wishes to remove an item from the Consent Agenda for separate consideration, and if so, the Chair will schedule it for later in the meeting.
6. The Board of Directors of Operation Oswego County will assess the use of Consent Agendas from time to time and this policy may be amended by a majority vote of the members of the Board of Directors present and constituting a quorum.

EXAMPLES OF CONSENT AGENDA ITEMS:


7. The following items shall be suitable for a Consent Agenda:
 - approval of minutes.
 - approval of signatories for bank accounts.
 - approval of contracts that have been reviewed by a designated Board committee.
 - approval of routine but unbudgeted capital expenditures that has been approved by the finance/audit committee.

EXAMPLES OF REGULAR AGENDA ITEMS:

- 8 The following items are not suitable for the Consent Agenda:
- approval of the annual budget.
 - approval of the annual external financial audit.
 - approval of loans and other financial assistance, including SBA 504 loans.

APPROVAL

This Policy has been reviewed and approved by the Executive/Governance Committee at its meeting held on November 10, 2015, New York, and the Board of Directors at its meeting held on December 2, 2015.



Michael Quenville
Secretary

[END OF POLICY]

OPERATION OSWEGO COUNTY, INC. DISPOSITION OF PROPERTY GUIDELINES

Adopted the 2nd day of December, 2015

1. **DEFINITIONS.** As used herein, the following terms shall have the meaning set forth below.
 - 1.1 “Act” shall mean Title 5-A of the New York Public Authorities Law, as amended from time to time.
 - 1.2 “Commissioner of General Services” shall mean the Commissioner of the New York State Office of General Services.
 - 1.3 “Contracting Officer” shall mean the officer or employee of the Organization who shall be appointed by Organization resolution to be responsible for the Disposal of Property. Unless otherwise designated by resolution, the Executive Director shall serve as the Contracting Officer.
 - 1.4 “Dispose” or “Disposal” shall mean transfer of title or any other beneficial interest in Property in accordance with these Guidelines and Section 2897 of the Public Authorities Law, as amended from time to time.
 - 1.5 “Guidelines” shall mean these Guidelines, as amended from time to time by Organization resolution.
 - 1.6 “Property” shall mean personal property in excess of five thousand dollars (\$5,000) in value, and real property, and an inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party.
 - 1.7 “Organization” shall mean Operation Oswego County, Inc.
2. **CONTROLLING LEGISLATION.**
 - 2.1 The Public Authorities Accountability Act of 2005, and the Public Authorities Reform Act of 2009 requires the Organization to adopt by resolution comprehensive Guidelines which detail the Organization’s operative policy and instructions regarding the use, awarding, monitoring and reporting of contracts for the Disposal of Property and designate a Contracting Officer with responsibility for compliance with, and enforcement of these Guidelines.

- 2.2 These Guidelines are intended to be consistent with and shall be construed in accordance with the Act and the Organization's By-Laws. The Organization shall Dispose of its Property in accordance with these Guidelines, the Act and the Organization's By-Laws.
- 2.3 The Act requires the Organization to establish Guidelines to ensure that the Organization shall:
- (i) maintain adequate inventory controls and accountability systems for all Property owned by the Organization and under its control;
 - (ii) periodically inventory such Property to determine which Property shall be Disposed of;
 - (iii) produce a written report of such Property in accordance with the Act; and
 - (iv) Dispose of such Property as promptly as possible in accordance with the Act.

3. **DUTIES OF CONTRACTING OFFICER.**

Except as otherwise provided herein and in the Act, the Contracting Officer shall have supervision and direction over the Disposal of Property of the Organization and be responsible for compliance by the Organization with, and enforcement of, these Guidelines. The Organization shall have the right to Dispose of its Property for any valid corporate purpose.

4. **ORGANIZATION PROPERTY.**

4.1 *Custody and Control of Organization Property.*

The custody and control of Organization Property, pending its Disposal, and the Disposal of such Property, shall be performed by the Organization or by the Commissioner of General Services when so authorized under the Act and these Guidelines.

4.2 *Disposal of Organization Property.*

- (i) Fair Market Value. The Organization may Dispose of its Property for not less than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Organization by resolution deems property under the Act and the Organization's By-Laws as implemented by these Guidelines, provided, however, except in compliance with all applicable law, no disposition of real Property, any interest in real Property, or any other Property which because of its unique nature is not subject to fair market pricing shall be made unless an appraisal of the value of such Property has been made by an independent appraiser and included in the Organization's record of the transaction.

- (ii) Disposal by Commissioner of General Services. When the Organization shall have deemed that Disposal of any of the Organization's Property by the Commissioner of General Services will be advantageous to the Organization and the State of New York, the Organization may enter into an agreement with the Commissioner of General Services pursuant to which said Commissioner may Dispose of Property of the Organization under terms and conditions agreed to by the Organization and the Commissioner. In Disposing of any such Property, the Commissioner shall be bound by the terms hereof and references to the Contracting Officer shall be deemed to refer to the Commissioner of General Services.

- (iii) Public Advertising Required.
 - (A) All Disposals or contracts for Disposal of Property of the Agency shall be made after publicly advertising for bids except as provided in Section 4.2(iv).
 - (B) Whenever public advertising for bids is required under this Section 4.2(iii):
 - (1) the advertising for bids shall be made at such time prior to the Disposal or contract for Disposal through such methods, and on such terms and conditions as the Contracting Officer determines will permit full and free competition consistent with the value and nature of the Organization's Property proposed for Disposal;
 - (2) all bids shall be publicly disclosed at the time and place stated in the advertisement; and
 - (3) the award shall be made by the Contracting officer on behalf of the Organization with reasonable promptness by the notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Organization taking into consideration, price and other factors; provided that all bids may be reject when the Organization determines it is in the public interest to do so.

- (iv) Exception to Public Advertising.
 - (A) Disposal and contracts for Disposal of Property may be negotiated or made by public auction without regard to Sections 4.2(iii) but subject to obtaining such competition as the Contracting Officer determines to be feasible under the circumstances, if:

- (1) the personal Property involved is of a nature and quantity which, if Disposed of under Sections 4.2(iii), would adversely affect the State or local market for such Property, and the estimated fair market value of such Property and other satisfactory terms of Disposal can in the opinion of the Board be obtained by negotiation; or
 - (2) the fair market value of the Property does not exceed \$15,000; or
 - (3) bid prices after advertising therefore and are not reasonable, either as to all or some part of the Property, or have not been independently arrived at in open competition; or
 - (4) the Disposal will be to the State or any political subdivision and the estimated fair market value of the Property and other satisfactory terms of Disposal are obtained by negotiation; or
 - (5)
 - (a) the Disposal is for an amount less than the estimated fair market value of the Property; and
 - (b) the terms of such Disposal are obtained by public auction or negotiation; and
 - (c) the Disposal of the Property is intended to further the public health, safety or welfare or an economic development interest of the Agency, the state or a political subdivision of the State (to include but not limited to, the prevention or remediation of a substantial threat to public health or safety, the creation or retention of a substantial number of job opportunities, or the creation or retention of a substantial source of revenues, or where the Organization's By-Laws permit); and
 - (d) the purpose and the terms of such Disposal are documented in writing and approved by resolution of the Organization; or
 - (6) such action is otherwise authorized by law.
- (B) An explanatory statement shall be prepared by the Contracting Officer of the circumstances of each Disposal by negotiation of:

- (a) any personal Property which has an estimated fair market value in excess of \$15,000;
 - (b) any personal Property that has an estimated fair market value in excess of \$100,000, except that any real Property Disposed of by lease or exchange shall only be subject to clauses (c) through (e) of this subparagraph.
 - (c) any real Property Disposed of by lease for a term of five years or less, if the estimated fair annual rent is in excess of \$100,000 for any such years;
 - (d) any real Property Disposed of by lease for a term of more than five years, if the total estimated rent over the term of the lease is in excess of \$100,000; or
 - (e) any real Property or real and related personal Property Disposed of by exchange, regardless of value, or any Property any part of the consideration for which is real Property.
- (C) Each such explanatory statement shall be transmitted to the Comptroller of the State, the Director of Budget of the State, the Commissioner of General Services and the New York Legislature, not less than ninety (90) days in advance of such Disposal, and a copy thereof shall be retained in the files of the Organization.

5. REPORTS.

5.1 The Organization shall publish, not less frequently than annually, a report listing all Property of the Organization. Such report shall consist of a list and full description of all real and personal Property Disposed of during such period. The report shall contain the price received by the Organization and the name of the purchaser for all such Property Disposed of by the Organization during such period.

5.2 The Organization shall deliver copies of such report to the Comptroller of the State of New York, the Director of the Budget of State of New York, the Commissioner of the New York State Office of General Services, and the New York State Legislature.


6. ANNUAL REVIEW AND AMENDMENTS OF GUIDELINES.

The Guidelines are subject to modification and amendments at the discretion of the Agency in accordance with the Act and Organization's By-Laws. On or before March 31 of each year, the Organization shall review and approve the Guidelines annually including the name of the Contracting Officer. On or before March 31st of each year, the Guidelines most recently

reviewed and approved shall be filed with the Comptroller of the State, posted on the Organization's website and maintained on the Organization's website until guidelines for the following year or amended guidelines are posted.

7. APPROVAL.

This Policy has been reviewed and approved by the executive/Governance Committee at its meeting hold on November 10, 2015, and the Board of Directors at its meeting held on December 2, 2015.



Michael Quenville
Secretary

[END OF POLICY]

OPERATION OSWEGO COUNTY, INC.

INVESTMENT POLICY GUIDELINES AND PROCEDURES

Adopted the 2nd day of December, 2015

POLICY:

Except as otherwise prohibited or regulated by federal or state law, or regulation, or by court order, the Executive Director or his/her designee, shall temporarily invest funds of Operation Oswego County, Inc., not required for immediate expenditure, in certain acceptable investment instruments as outlined in the guidelines and procedures as set forth below. In investing such funds the Executive Director shall concurrently pursue the following objectives:

1. To provide a level of liquidity to insure the availability of funds for payment to meet obligations of the Operation Oswego County, Inc. or for disbursement otherwise required.
2. To minimize the amount of funds un-invested.
3. To minimize the risk of any potential loss or devaluation of funds invested.
4. To earn a maximum rate of return on funds invested, within the limitations as to types of investments permitted under these policies and the provisions of General Municipal Law.

GUIDELINES AND PROCEDURES:

1. Funds to Be Invested

1) To the extent that Operation Oswego County, Inc. has funds beyond that which are necessary to meet current obligations or for disbursement otherwise required, such funds shall from time to time be invested by the Executive Director in acceptable investment instruments.

2. Acceptable Investment Instruments

1) Acceptable investment instruments for the investment of funds by the Executive Director are as follows:

a) Certificates of Deposit issued by a bank or trust company authorized to do business in New York State, provided however, that such Certificates of Deposit shall be payable within such time as the proceeds shall be needed to meet expenditures for which such

monies were obtained, and provided further that such certificates of deposit be secured in the same manner as provided for securing deposits of public funds by Subdivision 3 of Section 10 of the New York General Municipal Law.

b) Time Deposit Accounts in a bank or trust company authorized to do business in New York State, provided however, that such Time Deposit Accounts shall be payable within such time as the proceeds shall be needed to meet expenditures for which such monies were obtained and provided further that such time deposit accounts be secured in the same manner as is provided for securing deposits of public funds by Subdivision 3 of Section 10 of the New York General Municipal Law.

c) Obligations of agencies of the federal government if principal and interest is guaranteed by the United States.

d) Obligations of the State of New York, and its political subdivisions.

3. Timing of Investments

1) The Executive Director shall maintain a portfolio of all investments. Investments made by the Executive Director shall generally mature or otherwise be available for sale or redemption without penalty at such times as funds invested are required for payment to meet obligations of Operation Oswego County, Inc., or are otherwise required for disbursement.

4. Collateral Requirements

1) Certificate of Deposits and Time Deposit Accounts shall be fully secured to the maximum amount set by the Federal Deposit Insurance Corporation.

2) Certificate of Deposits and Time Deposit Accounts with principal value in excess of the amount insured by the Federal Deposit Insurance Corporation, shall be fully secured by eligible securities as that term is defined in Section 10 of the General Municipal Law having in the aggregate a market value at least equal to the aggregate amount of the deposits and Third Party Custodial Agreements shall be entered into with the deposit institution.

3) Collateral shall be delivered to and held by the Executive Director as part of the investment portfolio or be delivered to a custodial bank or trust company with which Operation Oswego County, Inc. has a Custodial Agreement. Said Custodial Institution shall provide written confirmation to the Executive Director of the obligations held in such institutions as collateral for investments of Operation Oswego County, Inc..

4) Collateral is required for Certificate of Deposits and Time Deposit Accounts at 105% of all deposits not covered by federal deposit insurance. Obligations that may be pledged as collateral are obligations of the United States and its agencies and obligations of the State of New York and its political subdivisions.

5. Custodial Institutions

1) The Executive Director shall from time to time enter into contracts with banks or trust companies licensed to do business in New York State to act as custodian of funds owned by Operation Oswego County, Inc. or of funds pledged as collateral for certificates of deposit or time deposit accounts. Custodians must be member banks of the Federal Reserve Bank or maintain accounts with member banks. A custodial contract shall not be entered into for holding of an investment with the same party from which such investment instrument was acquired, without approval of the Board of Directors of the Operation Oswego County, Inc. A custodial contract may be entered into with the Trust Department of the seller of the investment instrument provided that the Trust Department is a separate corporate entity. At the request of the Executive Director, custodial institutions shall verify collateral held on behalf of Operation Oswego County, Inc. as property or as collateral for an investment instrument.

6. Financial Strength of Institutions

1) The financial statements of banks and trust companies with which Operation Oswego County, Inc. transacts investment business shall be reviewed from time to time or at least by the Executive Director to determine the financial strength and or credit worthiness of the institution.

7. Competition for Acquisition and Sale of Investment Instruments

1) The Executive Director shall endeavor to insure competition amongst interested and eligible institutions for the acquisition or sale of investment instruments and shall make every reasonable effort to solicit by telephone or other electronic device at least three quotations for every investment transaction except for interim investment instruments which may from time to time be necessary to conduct normal day to day business operations of Operation Oswego County, Inc..

2) The Executive Director shall maintain a file of any confirmations, correspondence, or statement which support investment activity.

8. Report to be Provided

1) The Executive Director shall prepare quarterly and annual reports to the Board of Directors of Operation Oswego County, Inc. reflecting, as of the last day of such quarter, an inventory of investment instruments, a listing of investment instruments acquired or redeemed during the quarter, and a statement of investment income earned for the quarter and cumulative total interest earned since the beginning of the current fiscal year.

9. Internal Controls to be Maintained

1) The Executive Director shall establish, document and maintain a system of internal controls which provides for segregation of duties with respect to investment activities, cash receipts, and accounting.

10. Miscellaneous Provisions

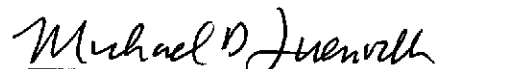
1) The Executive Director from time to time shall designate qualified staff personnel to assist in carrying out the provisions of the Policies Guidelines and Procedures as outlined above.

11. Intent

It is the intent that this Investment Policy Guidelines and Procedures conform to the requirements of the provisions of Sections 10 and 11 of the New York General Municipal Law, as the same may be amended from time to time, and in the event of any inconsistency between these policies and the provisions of those statutes, the statutory provision shall control and be followed to their fullest extent by the Agency and its officers and directors.

APPROVAL:

This Policy has been reviewed and approved by the executive/Governance Committee at its meeting hold on November 10, 2015, and the Board of Directors at its meeting held on December 2, 2015.



Michael Quenville
Secretary

[END OF POLICY]

OPERATION OSWEGO COUNTY, INC.

PROCUREMENT POLICY

Adopted the 2nd day of December, 2015

SECTION 1. INTRODUCTION.

(A) Scope. In accordance with Article 18-A of the General Municipal Law (the “Act”), Section 104-b of the General Municipal Law, and the Public Authorities Accountability Act of 2005, OPERATION OSWEGO COUNTY, INC. (the “Organization”) is required adopt procurement policies which will apply to the procurement of goods and services not subject to the competitive bidding requirements of Section 103 of the General Municipal Law and paid for by the Organization for its own use and account.

(B) Purpose. Pursuant to Section 104-b of the General Municipal Law, the primary objectives of this policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers of a political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption.

SECTION 2. PROCUREMENT POLICY.

(A) Determination Required. Prior to commencing any procurement of goods and services, the Executive Director or an authorized designee shall prepare a written statement setting forth the basis for (1) the determination that competitive bidding is not required for such procurement, and if applicable (2) the determination that such procurement is not subject to any requirements set forth in this policy. Such written statements shall be maintained by the Executive Director or such authorized designee in a specially designated procurement file.

(B) Procedure for determining whether Procurements are subject to Competitive Bidding. The procedure for determining whether a procurement of goods and services is subject to competitive bidding shall be as follows:

(1) The Executive Director or an authorized designee shall make the initial determination as to whether competitive bidding is required. This determination will be based on Section 103 of the General Municipal Law which requires competitive bidding for expenditures of (a) more than \$35,000 for the performance of any public works contract (services, labor or construction), and (b) more than \$20,000 for any purchase contract (acquisition of commodities, materials, supplies or equipment).

(2) The Executive Director or such authorized designee shall review the purchase request against prior years' expenditures and a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate purchases of a similar nature will exceed the above competitive bidding procedures shall be followed for said expenditure.

(3) The Executive Director or such authorized designee shall present any legal issues regarding the applicability of the competitive bidding requirements stated herein to the Organization's Counsel.

(C) Methods of Competition to be used for Non-Bid Procurements and Procurements Exempt by Statute. Alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals or written quotations, verbal quotations or any other method of procurement which furthers the purposes of this Section except for items excepted herein (see 7 below) or procurements made pursuant to:

- (1) General Municipal Law Section 103 (3) (through county contracts), or
- (2) General Municipal Law Section 104 (through state contracts), or
- (3) State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), or
- (4) Correction Law, Section 186 (articles manufactured in correctional institutions).

(D) Procedures for the Purchase of Commodities, Equipment or Goods under \$20,000.

- (1) **Up to \$1,000:** The discretion of the Executive Director or authorized designee.
- (2) **\$1,001 - \$10,000:** Documented verbal quotations from at least three vendors.
- (3) **\$10,001 - \$20,000:** Written/fax quotations from at least three vendors.

(E) Procedures for the Purchase of Public Works or Services under \$35,000.

- (1) **Up to \$10,000:** The discretion of the Executive Director or authorized designee.
- (2) **\$10,001 - \$20,000:** Documented verbal quotations from at least three vendors.
- (3) **\$20,001 - \$35,000:** Written/fax quotations from at least three vendors.

(F) Basis for the Award of Contracts. Contracts will be awarded to the lowest responsible vendor who meets the specifications.

(G) Award to Other than the Lowest Cost Quoted. Circumstances justifying an award to other than the lowest cost quoted include the following:

- (1) Delivery requirements;
- (2) Quality requirements;
- (3) Quality;
- (4) Past vendor performance;

- (5) The unavailability of three or more vendors who are able to quote on a procurement; and
- (6) It may be in the best interests of the Organization to consider only one vendor who has previous expertise with respect to a particular procurement.

(H) Documentation.

(1) For each purchase made the Executive Director or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.

(2) The basis for any determination that competitive bidding is not required shall be documented, in writing, by the Executive Director or such authorized designee, and filed with the purchase order or contract therefore.

(3) For those items not subject to competitive bidding such as professional services, emergencies, purchased under city contracts or procurements from sole sources, documentation should include a memo to the files which details why the procurement is not subject to competitive bidding and include, as applicable:

- (a) a description of the facts giving rise to the emergency and that they meet the statutory criteria; or
- (b) a description of the professional services; or
- (c) written verification of city contracts; or
- (d) opinions of Counsel, if any; or
- (e) a description of sole source items and how such determinations were made.

(4) Whenever an award is made to other than the lowest quote the reasons for doing so shall be set forth in writing and maintained in the procurement file.

(5) Whenever the specified number of quotations cannot or will not be secured, the reasons for this shall be indicated in writing and maintained in the procurement file.

(I) Exceptions to Bidding. Exceptions to the foregoing bidding requirements are permitted in the following circumstances:

(1) **Emergency Situation.** An emergency exists if the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality or of the citizens. With approval by the Executive Director such emergency shall not be subject to competitive bidding or the procedures stated above.

(2) **Resolution Waiving Bidding Requirements.** The Organization may adopt a resolution waiving the competitive bidding requirements whenever it is determined to be impracticable.

(3) **Sole Source.** Defined as a situation when there is only one possible source from which to procure goods and/or services and it is shown that the item needed has unique

benefits, the cost is reasonable for the product offered and there is no competition available. In this situation, a request for a resolution waiving bidding requirements, as described above, is required.

(4) **True Lease.** Prices will be obtained through quotations whenever possible. The award shall be made on the basis of goods and/or services to be provided, ability to meet the specifications desired and price.

(5) **Insurance.** All insurance policies shall be procured in accordance with the following procedures:

(1) Premium less than \$15,000 – documented telephone quotations from at least three agents (if available).

(2) Premium over \$15,001 – written quotations/fax or proposals from at least three agents (if available)

(6) **Professional Services.** This category includes services which require special education and/or training, license to practice or are creative in nature. Examples of professional services are: lawyers, doctors, accountants, engineers, artists, etc.

(J) **Minority and Women Business Enterprises.** The Organization shall comply with all applicable legal requirements relating to the hiring of such businesses.

(K) **Input from members of the Organization.** Comments concerning the procurement policy shall be solicited from the members of the Organization from time to time.

(L) **Annual Review.** The Organization shall annually review its policies and procedures.

(M) **Unintentional Failure to Comply.** The unintentional failure to comply with the provisions of Section 104-b of the General Municipal Law shall not be grounds to void action taken or give rise to a cause of action against the Organization or any officer thereof.

SECTION 3. APPROVAL.

This Policy has been reviewed and approved by the executive/Governance Committee at its meeting hold on November 10, 2015, and the Board of Directors at its meeting held on December 2, 2015.



Michael Quenville
Secretary

[END OF POLICY]