

**THE TOWN OF NORTH HEMPSTEAD BUSINESS AND TOURISM DEVELOPMENT
CORPORATION**

Statement of Procurement Policy and Procedures

September 14, 2010

Policy: It is the policy of The Town of North Hempstead Business and Tourism Development Corporation (the "BTDC") to assure the prudent and economical use of BTDC moneys, to facilitate the acquisition of goods and services of maximum quality at a competitive cost, and to guard against favoritism, improvidence, extravagance, fraud and corruption. While the BTDC is not obligated pursuant to New York State law to require competitive bidding on its contracts, the BTDC finds that its policy is advanced by requiring public bidding in certain instances.

Conflict of Interests: While the BTDC is not obligated to comply with the provisions of Section 883 of the General Municipal Law (the "GML"), the BTDC hereby states its desire to adhere to the letter and spirit of such provisions by requiring all directors/members, officers and employees of the BTDC to be subject to the same Conflicts of Interest provisions contained in Article 18 of the GML.

Procedures: The BTDC shall, unless it otherwise finds by Resolution to the contrary, pursue its procurement policy by adhering to the following procedures:

I. Goods

- A. Contracts for Goods Valued at \$500 and Under. All contracts for goods valued at \$500 and under shall be awarded by the BTDC's Chair of the Board (the "Chair of the Board") using his/her judgment as to the most appropriate vendor, without further documentation.
- B. Contracts for Goods Valued at over \$500 but less than \$5,000. The BTDC shall use its reasonable efforts to obtain, either orally or in writing, at least three (3) bids or price quotations for such procurement. The Chair of the Board shall document, in reasonable detail, such attempt and its result. If the vendor selected by the Chair of the Board is not the lowest price vendor, or if fewer than three (3) bids were sought or received, the Chair of the Board shall document justification as to the same.
- C. Contracts for Goods Valued at \$5,000 and Over. The BTDC shall use its best efforts to award contracts for goods valued at \$5,000 and over through a competitive process. The competitive process to be utilized shall, absent approval of the BTDC to the contrary, be overseen by the Chair of the Board and entail the following:
 - (i) All solicitations and requests for proposals should be in writing and should incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description should not contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, should set forth those minimum essential

characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to define the performance or other salient requirements of such procurement. The specific features of the named brand which must be met by offerors should be clearly stated and should identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

- (ii) Requests for proposals should be publicly advertised by placing them on the BTDC or the Town of North Hempstead website and by placing notice in either one newspaper of general circulation or one trade journal if appropriate.
 - (iii) Proposals should be solicited from an adequate number of qualified sources.
 - (iv) The Chair of the Board should establish a method for conducting evaluations of the proposals received and for selecting awardees.
 - (v) Awards will be made by the Chair of the Board to the responsible respondent whose proposal is most advantageous to the BTDC, with price and other factors considered.
- D. Notwithstanding paragraphs A, B and C above, the Chair of the Board shall be authorized to award contracts for the purchase of Goods pursuant to any New York State or Town of North Hempstead approved vendor list, for the particular Goods referenced therein. Further, office supplies (excluding computer hardware) may be procured by the BTDC's Chair of the Board from any national retail vendor (such as Staples or Office Depot). In such case, engaging in a competitive process would not be in the best interests of the BTDC or the above stated policy.

II. Services

- A. Professional Services. Contracts for all services primarily or predominately of a professional nature, or requiring specialized skill or judgment, shall not be awarded by competitive process, but shall be awarded upon a Resolution of the BTDC confirming the professional nature or specialized skill or judgment involved in such service.
- B. Marketing Services. The award of contracts of up to \$2,500 each for marketing, promotional advertising, sponsorship and similar services shall be awarded by the BTDC's Chair of the Board using his/her judgment, in keeping with the best interests of the BTDC. Reasonably adequate documentation supporting such award must be made by the BTDC's Chair of the Board. It is intended that the type of service so excluded from competitive process include, without limitation, sponsorships of charitable and civic events.
- C. All Others. The award of service contracts not described in Sections II A or B above shall be made through the competitive process described in Sections I A, B and C above.

THE FOREGOING PROCEDURES ARE IN ADDITION TO AND NOT IN LIEU OF THE SAFEGUARDS AND PROCEDURES ADOPTED BY THE BTDC FROM TIME TO TIME REGARDING CHECK WRITING AUTHORITY AND THE BTDC'S BUDGET PROCESS.

In the absence or unavailability of the BTDC's Chair of the Board to act as aforesaid, the Vice Chair of the Board or Treasurer may, orally or in writing, authorize the award of any contracts with the same authority of the Chair of the Board as aforesaid.

These Procurement Policies and Procedures shall remain in effect until such time as the BTDC's Board of Directors resolves to modify and amend the same.

The BTDC may, from time to time, adopt different procedures, or deviate from any of the above procedures, on a case-by-case basis.

The unintentional failure to fully comply with the provisions of this statement of policy and procedures shall not be grounds to void action taken or give rise to a cause of action against the BTDC or any director/member, officer or employee thereof.

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