

Corporation for investment and deposit purposes.

- c. The Corporation is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.
6. Designation of Depositories In accordance with the State law, the Corporation shall designate as depositories of its money those banks and trust companies authorized to serve as such pursuant to said law.

Section 2: Investment Policy

1. Permitted Investments – Pursuant to GML Section 11, the Corporation is authorized to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:
 - a. Special time deposit accounts;*
 - b. Certificates of deposit;*
 - c. Obligations of the United States of America;**
 - d. Obligations guaranteed by agencies of the United States of America where payment of principal and interest are guaranteed by the United States of America;**
 - e. Obligations of the State of New York;*

* Special time deposit accounts and certificates of deposit are permitted investments provided that (1) they shall be payable within such time as the proceeds shall be needed to meet expenditures for which the moneys were obtained and (2) they are collateralized in the same manner as set forth in Section 3 below for deposits of public funds.

**All investment obligations shall be payable or redeemable at the option of the Corporation within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Corporation within two years of the date of purchase.

2. Authorized Financial Institutions and Dealers – The Corporation shall maintain a list of financial institutions and dealers, approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated

Livingston County Development Corporation Procurement Policy

Section 1: Introduction

The policies and procedures set forth herein have been developed by the Livingston County Development Corporation (the “Corporation”) pursuant to New York State General Municipal Law Section 104-b regarding the procurement of Goods and Services not required by law to be procured pursuant to competitive bidding.

These policies and procedures apply only to Goods and Services paid for by the Corporation for its own use and account. They do not apply to Goods or Services (such as, but not limited to, Bond Counsel or construction Services) for a project for which the Corporation will not be the project operator or occupant.

Section 2: Declaration of Policy

Goods and Services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interest of the tax payers of Livingston County, to facilitate the acquisition of Goods and Services of maximum quality at the lowest possible cost under the circumstances, including emergencies, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Members of the Livingston County Development Corporation have adopted the policies and procedures set forth herein governing all procurement of Goods and Services which are not required to be made pursuant to the competitive bidding requirements of Section 103 of the General Municipal Law or of any other general, special or local law.

Section 3: Definitions

The following terms shall have the following meanings:

1. “Corporation” shall mean the Livingston County Development Corporation.
2. “Competitive Quotations” means the procurement of Goods and/or Services, in accordance with the provisions of Section 6 herein.
3. “Contract” shall mean a public work Contract, a purchase Contract, or, generally a Contract for Goods or Services in accordance with the provisions herein.
4. “County” shall mean the County of Livingston, New York.
5. “Goods” shall mean products, materials, supplies, equipment, apparatus and other like items, and the necessary Services related to these items.
6. “Members” shall mean the Members of the Corporation.
7. “Procurement” or “procure” shall mean the obtaining, through Contract or agreement of Goods and/or Services in accordance with these policies and procedures.

Goods or Services are to be procured through competitive or verbal quotations, the Procurement Officer shall cause to be made a written description for each such Goods or Services to be procured. Such description need not necessarily include detailed specifications but may be generic or in outline form or describe the result sought by the Corporation. Such written description shall contain that information deemed necessary for the procurement of the desired Goods or Services in accordance with the policies of the Corporation, including a statement that the requested bid or quotation price shall include a statement whether cost of delivery is included, a statement that the Corporation reserves the right to reject all bids or quotations, waive minor deviations, consider alternative bids or quotations, negotiate price and terms with those making a bid or quotation (provided that negotiations with all those making a bid or quotation will be on substantially the same basis and regarding substantially the same matters), subject to the same terms and conditions of the written descriptions being sought by the Corporation and a statement regarding security and/or insurance, if required.

2. Soliciting Written Competitive Quotations

- a. If the cost of the Goods or Services to be procured, based upon the written description prepared for the desired Goods or Services, will require an expenditure of more than \$1,000, but less than \$10,000, the desired Goods or Services shall be procured through Competitive Quotations solicited from not less than two vendors.
- b. If the cost of the Goods or Services to be procured, based upon the written description prepared for the desired Goods or Services, will involve an expenditure of more than \$10,000, the desired Goods or Services shall be procured through Competitive Quotations solicited from not less than three vendors.
- c. If, following reasonable efforts, insufficient numbers of Vendors exist for the solicitation of the requisite number of Competitive Quotations, then the Procurement Officer shall cause to be solicited Competitive Quotations from less than the requisite number of Vendors; provided, however, that the basis and other facts and circumstances or such efforts and/or findings relating to this provision shall be placed in writing.
- d. The Procurement Officer shall cause to be made a record of the written description, the solicitation of the Competitive Quotations, the Competitive Quotations received and any other documents or materials prepared or received in connection with the procurement of Goods and Services of the Corporation.
- e. Competitive Quotations need not be sealed and need not be opened and read at a stated time.
- f. The Procurement Officer need not recommend the procurement of goods and services from the Vendor offering the lowest dollar quotation, but may recommend to the Members determinations of which quotations will fulfill or meet the best interests or needs of the Corporation, and each recommended

determinations may be based on such factors such as, without limitation, quality, features or options, reliability or reputation of the Vendor, availability of service, delivery time and location of the Vendor (local vis-à-vis non-local, in-state vis-à-vis out-of-state or country); and the Procurement Officer may negotiate terms and price with all Vendors submitting quotations (provided that all such negotiations will be on substantially the same matters), and the determination of the Members pursuant to the Procurement Officer's recommendations made in good faith shall be final.

3. Exceptions

- a. General Exceptions – The following Goods and Services may be procured by the Corporation without soliciting competitive quotations:
 - i. Services performed by inmates, or Goods manufactured, in correctional facilities operated by the New York State Department of Correctional Services or in local correctional facilities of this State; provided, however, that the procurement of such Goods and Services shall be in accordance with Section 186 of the Correction Law;
 - ii. Goods and Services produced or assembled by the blind or other severely handicapped; provided, however, that the procurement of such Goods and Services shall be in accordance with Section 175-B of the State Finance Law;
 - iii. Goods procured by the County in accordance with subdivision (2) of Section 408-a of the County Law; provided, however that no such procurement shall be made from the County when Competitive Quotations have already been received, unless such procurement may be made upon the same terms, conditions and specifications of a lower price through the County;
 - iv. Goods in excess of \$500.00 procured by the State through the New York State Office of General Services, subject to rules established by such Office, in accordance with Section 163 of the State Finance Law; provided, however, that no such procurement shall be made from such Office when competitive Quotations have already been received, unless such procurement may be made upon the same terms, conditions and specifications at a lower price through such office;
 - v. Surplus and/or second hand Goods which are being offered for purchase from the federal or State governments or any other political subdivision or public benefit corporation within the State of New York.
- b. Special Exceptions – Upon a determination that Goods or Services are (1) Professional Services (2) Sole Source Goods or Services or (3) Goods or Services deemed by the Procurement Officer, in his sole discretion, not in the best interest of the Corporation to be procured in accordance with the Competitive Quotation requirements set forth herein, the Procurement Officer may procure

such Goods or Services in such manner as the Procurement Officer determines to be in the best interest of the Corporation and which otherwise is in accordance with the policies of the Corporation, as set forth in Section 2 herein.

4. Entering Into the Contract

- a. Except as provided in Section 6.4(b) herein, upon receipt of the requisite number of Competitive Quotations, the Procurement Officer shall recommend to the Members that the Corporation enter into a Contract, or enter into an agreement, for such Goods or Services to the Vendor that submitted the Competitive Quotation with the lowest dollar offer for such Goods or Services, but subject to the provisions of Section 6.2(f) hereof.
- b. If the Procurement Officer shall recommend to the Members that the Corporation enter into a Contract for Goods or Services to a Vendor that did not submit the Competitive Quotation with the lowest dollar offer, the Procurement Officer shall state the reasons such an award furthers the policy set forth in Section 2 herein and in accordance with Section 6.2(f) hereof.
- c. Upon the procurement of Goods or Services in accordance with the provisions of Section 6.3 herein, the Procurement Officer shall recommend to the Members that the Corporation award a Contract, or enter into an agreement, for such Goods or Services to the Vendor identified by the Procurement Officer.
- d. Upon receipt of the recommendation by the Procurement Officer regarding the entering into a Contract, the Members shall authorize the Procurement Officer to cause to be procured such Goods or Services with the recommended Vendor; provided, however, that the Members reserve the right to reject all bids or quotations, waive minor deviations, consider alternative bids or quotations, subject to the same terms and conditions of the written descriptions being sought by the Corporation.

5. Small Purchases (\$1,000 or less)

- a. Notwithstanding the provisions set forth herein, the procurement of Goods or Services involving an expenditure of up to five hundred dollars (\$500) may be made without seeking Competitive Quotations; provided, however, that any Corporation employee authorized to make such a procurement shall use his best efforts to obtain the lowest cost for such Goods or Services, but taking into consideration the terms of Section 6.2(f) hereof.
- b. Notwithstanding the provisions set forth herein, the procurement of Goods or Services involving an expenditure of more than five hundred dollars (\$500) but not more than one thousand dollars (\$1,000) may be made using verbal Competitive Quotations. The Corporation employee authorized to make such procurement shall solicit not less than two verbal Competitive Quotations.
- c. Upon the determination that the procurement of Goods or Services involving an

expenditure of not more than one thousand (\$1,000) is such that competition is not likely, including, but not limited to, periodicals, subscriptions, books, specialty training materials, Memberships and computer software upgrades from the manufacturer, the procurement of such Goods or Services may be made without Competitive Quotations.

6. Policy for Corporation's Benefit – These policies and procedures are intended solely for the benefit of the Corporation and are not intended for the economic or other benefit of any particular Vendor making a quotation; and accordingly, no Vendor shall have the right to challenge the determination of the Corporation to enter into Contracts for Goods and Services in accordance with the policies and procedures herein set forth.

**Livingston County Development Corporation
Procurement Policy**

Determination of Procurement Form

Section 1. Goods/Services Needed

Section 2. Exceptions

If any of the following general exceptions apply, the procurement of the desired Goods or Services do not have to be procured through Competitive Quotation requirements:

1. Goods or Services available from state prices or local correctional facilities
2. Goods or Services available from the blind or other severely handicapped
3. Goods available from a state or county Contract
4. Goods being process are second hand or surplus Goods from a public entity

If any of the following special exceptions apply, the Procurement Officer must provide, in the space provided below, written justification for each special exception and such Goods or Services do not have to be procured through Competitive Quotation requirements:

1. Professional Services; or
2. Sole Source Goods or Services; or
3. It would not be in the best interest of the Corporation to procure such Goods or Services through competitive bidding or Competitive Quotation requirements

If no general or special exception applies, the Goods or Services must be procured through the Competitive Quotation requirements (see competitive quotation form).

Prepared by _____

Date _____

**Livingston County Development Corporation
Procurement Policy**

Verbal Quotation Form

Date: _____

Procurement Officer/Corporation Employee: _____

Goods/Services Needed:

Delivery Needed By: _____

Quotations:

Vendor	Telephone Number	Vendor Rep.	Questions

**Livingston County Development Corporation
Procurement Policy**

Competitive Quotation Form

Date: _____

Vendor: _____

Address: _____ Phone: _____

_____ Fax: _____

Section 1. Request for Quotation (to be complete by Corporation)

Goods/Services Needed:

Delivery Needed By: _____

- Insurance is required Insurance is not required
- The operation should include charges, if any, for delivery
- The Corporation encourages charges or suggestions offering cost savings
- The Corporation reserves the right to reject all questions, waive minor deviations or consider alternative questions, subject to the terms/conditions or negotiations with Vendors as to price, specifications or terms
- If your goods or services deviate from the descriptions listed, please note such deviation
- Please include any additional information that is pertinent to your questions

Section 2. Quotation

The Corporation is receiving your competitive question of the Goods or Services described above. Please complete this quotation, sign, and return not later than 4:00 p.m. on _____. Unsigned quotations will not be considered.

I, _____, act as officer or employee or agent of _____, and am duly authorized to submit this quotation.

Signature, Title

Date

Livingston County Development Corporation Property Disposition Policy

Section 1: Purpose

This document is designed to ensure that the Corporation and its officers and employees dispose of (or transfer) Corporation property properly and in accordance with New York State standards and regulations. The purpose of the policy is to define the standards for transferring or disposing of property.

Section 2: Scope

This policy applies to the transfer of title or any other beneficial interest in personal property, in excess of \$5,000 in value, or real property, and any 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.

For personal property with a value of \$5,000 or less the Corporation shall have the final authority for disposition.

Section 3: Guidelines/Policy

These guidelines cover the policy and instructions regarding the use, awarding, monitoring and reporting of contracts for the disposition of property and designate a contracting officer to be responsible for the Corporation's compliance with these guidelines.

Section 4: Use

The Corporation shall use property in accordance with the New York not-for-profit law.

Section 5: Awarding

The Executive Director is responsible for supervision and direction of the sale and other disposition of Corporation property. The Corporation must maintain custody and control of such property pending its disposition. Additionally, the Corporation is required to perform the disposition of the property.

Section 6: Bids

For all disposals or contracts for disposal of property, the Corporation shall publicly advertising for bids as follows;

1. bid advertisement shall be made at such time prior to the disposal or contract, through

such methods, and on such terms and conditions as shall permit full and free competition consistent with the value and nature of the property;

2. all bids shall be publicly disclosed at the time and place stated in the advertisement;
3. the award of bids shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Corporation; and
4. all bids shall include an expiration date.

All property considered for disposition shall be reviewed by the Corporation prior to advertising for bids. All written offers on real property under consideration for disposition shall be presented as an item on the agenda of a Corporation meeting. A preliminary review of offers to purchase or lease shall include: source of offer, date of offer, expiration date of offer, and intended use of property. The Corporation shall give final approval of all contracts.

The Corporation shall sell property for not less than fair market value, unless otherwise provided herein. If the property is not subject to fair market pricing due to its unique nature, an appraisal of the value of such property must be made by an independent appraiser and included in the record of the transaction.

In consideration of public interest, the Corporation reserves the right to reject any and all offers at its sole discretion, regardless of price and terms.

Section 7: Negotiated Sale or Public Auction

The Corporation will allow the disposition of property by negotiated sale or public auction if:

1. the property is personal property and a sale by public bidding would adversely affect the market for the property and the estimated fair market value can be obtained by negotiation;
2. the property's value does not exceed \$15,000;
3. the bid prices after advertising are not reasonable or were not independently arrived at in open competition;
4. the property is sold to the State or any political subdivision and the estimated fair market value is obtained by negotiation;
5. the disposal is for less than fair market value, the terms are obtained by public auction or negotiation, the disposal is intended to further the public health, safety or welfare or an economic development interest of the Corporation, the State or a political subdivision and the purpose and terms of the disposal are documented in writing and approved by resolution of the Corporation; or
6. the action is otherwise permitted by law.

Section 8: Explanatory Statement

Explanatory statement needs to be prepared and transmitted to Comptroller, Director of the Budget, the Commissioner of General Service and the Legislature at least 90 days in advance of such disposal in instances of disposal by negotiation where:

1. any personal property has an estimated fair market value in excess of \$15,000;
2. any real property has an estimated fair market value in excess of \$100,000, except in instances where real property is disposed of by lease or exchange unless such lease or exchange includes:
 - a. 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 of such years;
 - b. any real property disposed of by lease for a term of more than five years, if the estimated rent over the term of the lease is in excess of \$100,000; or
 - c. 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.

Such explanatory statement must be preserved by the Corporation in its records.

Potential purchases or lessees shall demonstrate financial capacity to meet the terms and conditions of their purchase or lease offer.

Potential purchasers shall demonstrate reasonable likelihood of obtaining necessary City/township approval and/or compliance with city/township zoning ordinances.

Section 9: Monitoring


The Corporation shall direct the Executive Director to conduct the periodic review of all Corporation property, and to identify obsolete property. The Corporation shall authorize the disposition by sale, donation, trade, or discard of any property no longer required for Corporation purposes.

The Corporation's Executive Director will keep the records of all inventory and will update records biennially noting disposition when appropriate pursuant to the reporting requirements listed herein.

Section 10: Reporting

Within ninety (90) days after the end of its current fiscal year, the Corporation will file with the County Administrator, the County Treasurer and the Chair of the Board of Supervisors for Livingston County and the Authority Budget Office an annual report. The annual report will contain a report on the Corporation's property listing the following:

1. all real property of the Corporation having an estimated fair market value in excess of

- 
- \$15,000 that the Corporation intends to dispose of;
 2. all such property held by the Corporation at the end of the period covered by the report with an estimate of fair market value for all such property; and
 3. all such property disposed of during such period with the price received by the Corporation and the name of the purchaser for all such property.

The Executive Director shall provide to the Corporation a copy of the annual report with a record of all property disposed of under these guidelines within thirty (30) days after the end of the Corporation's current fiscal year.

Section 11: Contracting Officer

The Contracting Officer of the Corporation shall be the Executive Director, who will be responsible for the Corporation's compliance with these guidelines. These guidelines will be reviewed and approved by the Corporation each fiscal year.

Livingston County Development Corporation Supervision and Performance Evaluation Policy

Livingston County Development Corporation (LCDC) offers a consistent approach and operating philosophy for providing feedback and assessment of employee performance through annual evaluation.

The performance evaluation system is designed to:

1. Promote and document performance assessments based on major job responsibilities, essential functions and clear, realistic job standards; and
2. Promote a high level of employee performance through consistent feedback from supervisors via annual performance assessments.

The responsibility for the completion of performance evaluations lies with an employee's direct supervisor.

Evaluation is an on-going process that results in a year-end review. A midyear review is optional.

At the beginning of the performance evaluation cycle or within the first 90 days of a new employee's hire date, major job responsibilities and essential functions will be reviewed by the employee and supervisor. The position description will be approved by the supervisor and acknowledged by the employee.

A performance evaluation shall be completed and discussed with the employee.

1. The employee may complete an optional self-evaluation.
2. The supervisor shall meet with the employee to discuss the performance evaluation.
3. The employee's signature indicates the employee has acknowledged and received the evaluation, but does not necessarily indicate the employee's agreement with its content.
4. The employee may address questions or concerns about the content of the evaluation with the appropriate supervisor.
5. If the employee receives a "Does Not Meet Expectations," a performance improvement plan shall be completed. The supervisor shall meet with the employee on an ongoing basis to provide regular feedback and coaching on performance issues for a period of 30 to 90 days. After this period of time, the supervisor shall re-evaluate that plan to ensure that steps have been taken to improve performance in relevant areas.

Livingston County Development Corporation Travel Policy

Section 1. Applicability

This policy shall apply to every member of the board (the "Board") of The Livingston County Development Corporation (the "Corporation") and all officers and employees thereof.

Section 2. Approval of Travel

All official travel for which a reimbursement will be sought must be approved by the Executive Director prior to such travel. Provided however, in the instance where the Executive Director will seek reimbursement for official travel, such travel must be pre-authorized by the Chairman of the Corporation.

Section 3. Payment of Travel

The Corporation will reimburse all reasonable expenses related to meals, travel and lodging that were incurred by any director, officer or employee as a result of the performance of their official duties. All official travel shall be properly authorized, reported and reimbursed. Under no circumstances shall expenses for personal travel be charged to, or temporarily funded by the Corporation. It is the traveler's responsibility to report his travel expenses in a responsible and ethical manner, in accordance with this policy.

Section 4. Travel Expenses

Travelers may use their private vehicle for business purposes if it is less expensive than renting a car, taking a taxi, or using alternative transportation, or if it saves time. The traveler will be reimbursed at a standard mileage reimbursement rate.

Meals will be reimbursed at actual expense or a per diem rate, whichever is less. Lodging will be reimbursed at actual expense up to certain daily rate caps established for various locations. The applicability of such caps shall be determined on a case by case basis taking into consideration availability of lodging and other extenuating circumstances.

Reimbursement for miscellaneous expenses shall be determined on a case by case basis. Mileage rates, per diem allowances and lodging caps will be established and from time to time amended by the Treasurer. All determinations made pursuant to this section shall be made by the Treasurer. In the instance where such determinations regard the travel of the Treasurer, the Chairman shall make such determinations.

**Livingston County Development Corporation
Travel Policy**

Exhibit A: Travel Request and Authorization

Travelers Name: _____
 Purpose for Travel: _____
 Destination: _____
 Departure Date: _____ Return Date: _____

Expense	Description	Estimated Cost
Transportation:	_____	\$ _____
Lodging:	_____	\$ _____
Meals:	_____	\$ _____
Registration:	_____	\$ _____
	Total:	\$ _____

Funds in budget for balance of the year? Yes No

Percentage reimbursable (state or federal)? _____

 Executive Director Approval Date

 Chairman Approval (required for Executive Director travel only) Date

Directions:

1. Per the travel policy, this form is required for official travel for which a reimbursement will be sought for registration, lodging, and/or meal expenses.
2. Permission must be obtained prior to attendance.
3. Submit request to Executive Director at least three (3) weeks in advance.
4. Submit relevant supporting material, i.e. conference program.
5. An approved copy will be forwarded to the attendee.
6. Be sure to use a tax exemption certificate for travel and/or lodging.
7. Attach a copy of the approved authorization form to the voucher for payment.

Livingston County Development Corporation Whistleblower Policy (Policy Prohibiting Retaliation)


It is the policy of The Livingston County Development Corporation (herein "LCDC or the "Corporation") that no employee of the Corporation shall be subjected to any discrimination, retaliation or adverse employment action because of said employee's disclosure of any Improper Corporation Action pursuant to the terms of this policy.

Prior to the disclosure of any Improper Corporation Action by any employee of the Corporation (herein "Disclosing Employee"), the Disclosing Employee must first disclose the purportedly Improper Corporation Action to the Corporation's Chief Executive Officer or any member of the Corporation's governing board. Thereafter, the employee must allow the Corporation's Chief Executive Officer or the Corporation's governing board at least five (5) business days after receipt of the aforementioned notice to take appropriate action regarding the purported Improper Corporation Action and to notify the Disclosing Employee of said action in writing; unless that appropriate action and notification would pose an imminent and serious danger to the safety and health to the public. Any disclosure of Improper Corporation Action to any person or entity prior to disclosure to the Corporation's Chief Executive Officer or any member of the Corporation's governing board, or prior to expiration of the five business day period, is in direct contravention of this policy and may subject an employee to disciplinary action, including but not limited to commencement of the necessary proceeding to terminate the Disclosing Employee's employment.

If a Disclosing Employee discloses Improper Corporation Action to the Corporation's Chief Executive Officer or any member of the Corporation's governing board, waits the requisite five business days, and is not informed of any appropriate action with regard to the purportedly Improper Corporation Action, the Disclosing Employee may thereafter disclose the purported Improper Corporation Action to any person or entity without fear of discrimination, retaliation or adverse employment action for said disclosure, provided that such disclosure is made in good faith and without malice.

For purposes of this policy, "Improper Corporation Action" is defined as the following conduct

1. Any act of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or member of the governing board of the Corporation relative to investments, travel, the acquisition of real property, the disposition of real or personal property, the procurement of goods and services, or any action performed on behalf of the Corporation;
2. Any action by an employee or member of the governing board of the Corporation that is a violation of a law, rule or regulation that creates a substantial and specific danger to the public's safety and/or health; or
3. Any action by an employee or member of the governing board of the Corporation which is undertaken in the performance of such individual's official duties and which the



Disclosing Employee reasonably believes was taken in violation of any Federal, New York State or local law, rule or regulation.