

**ENERGY IMPROVEMENT CORPORATION  
A NEW YORK STATE LOCAL DEVELOPMENT CORPORATION**

**Statement of Conflicts of Interest Policy and Procurement Policy and Procedures**

**Policy:** It is the policy of The Energy Improvement Corporation (the “EIC”) to assure the prudent and economical use of EIC 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 EIC is not obligated pursuant to New York State law to require competitive bidding on its contracts, the EIC finds that its policy is advanced by requiring competitive bidding in certain instances.

**Conflicts of Interest:** The EIC hereby adheres to the provisions of Article 18 of the GML by requiring all Directors/members, officers and employees of the EIC to be subject to the same, provided, however, it shall not be deemed a per se conflict of interest for a Director to vote on a contract between the EIC and a municipality where such Director sits as a Mayor, Supervisor, Council-person or Trustee.

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

**I: Goods**

A. Contracts for Goods Valued at \$5,000 and Under: All contracts for goods valued at \$5,000 and under shall be awarded by the EIC’s Program Director using his/her judgment as to the most appropriate vendor, without further documentation.

B. Contracts for Goods Valued over \$5,000 but less than \$10,000: All contracts for goods valued over \$5,000 but less than \$10,000 shall be awarded after the approval of the EIC Board of Directors.

C. Contracts for Goods Valued at \$10,000 and Over. The EIC shall use its best efforts to award contracts for goods valued over \$10,000 through a competitive process. The competitive process to be utilized shall, absent approval of the EIC Board of Directors to the contrary, be overseen by the Program Director 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 that 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 a procurement. The specific features of the named brand which must be met by offerers should be clearly stated and should identify all requirements which the offerers 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 EIC website and by placing notice in the newspapers approved by the Town of Bedford.
- (iii) Proposals should be solicited from an adequate number of qualified sources.
- (iv) The Program Director should establish a method for conducting evaluations of the proposals received and for selecting awardees.
- (v) Awards will be made by the Program Director after consultations with the Board of Directors to the responsible respondent whose proposal is most advantageous to the EIC, with price and other factors considered.
- (vi) Require prospective bidders to sign a non-collusion agreement.

D. Notwithstanding paragraphs A, B and C above, the Program Director shall be authorized to award contracts for the purchase of Goods pursuant to any New York State or local based approved vendor list

for the particular Goods referenced therein. Further, the EIC's Program Director may procure office supplies 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 EIC or its 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 need to be awarded by competitive process, but shall be awarded upon a Resolution of the EIC confirming the professional nature or specialized skill or judgment involved in such service.

### **B. Marketing Services.**

The award of contracts, of up to \$5,000 each, for marketing, promotional advertising, sponsorship and similar services shall be awarded by the EIC's Program Director using his/her judgment, in keeping with the best interests of the EIC. The EIC's Program Director must make reasonably adequate documentation supporting such award.

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 EIC FROM TIME TO TIME REGARDING CHECK WRITING AUTHORITY AND THE EIC'S BUDGET PROCESS.**

### **D. Process:**

Any disbursements of less than \$1000 may be made with the single signature of either the Program Director or the Treasurer. Disbursements in excess of \$1000 and less than \$50,000 will require the signature of the Program Director of EIC, and the Treasurer or Board Chair of EIC. Any amounts in excess of \$50,000 will require the signature of the Chair of the EIC Board, Program Director of EIC and the Treasurer of EIC.

In the absence or unavailability of the EIC's Program Director to act as aforesaid, the Chairman or Vice Chairman may, orally or in writing, authorize the award of any contracts with the same authority of the Program Director as aforesaid.

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

The EIC Board 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 EIC or any Director/member, officer or employee thereof.