

EXHIBIT H

GLEN COVE INDUSTRIAL DEVELOPMENT AGENCY

Statement of Procurement Policy and Procedures

This Statement of Procurement Policy and Procedures is adopted pursuant to Section 104-b of the New York State General Municipal Law ("GML")

Policy: It is the policy of the Glen Cove Industrial Development Agency ("Agency") to assure the prudent and economical use of Agency moneys, 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. While the Agency is not obligated pursuant to the GML to require competitive bidding on its contracts, the Agency finds that its policy is advanced by requiring public bidding in certain instances.

Conflict of Interests: Pursuant to Section 883 of the GML all members, officers and employees of the Agency are subject to the Conflicts of Interest provisions contained in Article 18 of the GML. The Agency hereby reiterates desire to adhere to the letter and the spirit of such provisions.

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

General Guidelines:

- I. In the event that the Agency's costs are being reimbursed by a grant, the Agency shall follow any procurement requirements set forth in the grant contract.
- II. In the event that the Agency's cost are being reimbursed in whole or in part by City funds, the Agency should follow any procurement requirements set forth by the City.
- III. In the event that the Agency's costs are being reimbursed in whole or in part by the Glen Cove CDA, the Agency should follow any procurement requirements set forth by the CDA.
- IV. In the event that a project is being funded by multiple sources, the Agency shall follow the procurement policies of the funding agency with the most restrictive policy.
- V. Whenever practicable, the Agency may consider using contracts for goods and services competitively procured by New York State, City of Glen Cove, Nassau County, Glen Cove CDA, (Federal Agency), BOCES or similar government agency with requirements contracts.

- VI. When the Agency advertises for Requests for Proposals and Solicitations for BID, the advertisement shall be published in the official City newspaper as designated by the Glen Cove City Council.
- VII. Whenever practicable, the Agency should consider using local vendors for goods and services. In addition, the Agency should consider procuring goods and services from Minority Business Enterprises and Women Business Enterprises.

Purchasing Guidelines for Goods:

- I. Contracts for Goods Valued at \$500 and Under. All contracts for goods valued at \$500 and under shall be awarded by the Agency's Executive Director using his/her judgment as to the most appropriate vendor, without further documentation.
- II. Contracts for Goods Valued at over \$500 but less than \$10,000. The Agency shall use its reasonable efforts to obtain, either orally or in writing, at least three (3) bids or price quotations for such procurement.
- III. Contracts for Goods Valued at \$10,000 and Over. The Agency shall use its best efforts to award contracts for goods valued at \$10,000 and over through a competitive process. The competitive process to be utilized shall, absent approval of the Agency to the contrary, be overseen by the Executive Director and entail the following:
 - a. 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.
 - b. 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.
 - c. 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 a 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.

- d. Proposals should be solicited from an adequate number of qualified sources.
- e. Awards will be made by the Executive Director to the responsible respondent whose proposal is most advantageous to the Agency, with price and other factors considered (such as timing of delivery).
- f. Office supplies may be procured by the Agency's Executive Director from any national retail office supplier vendor (such as Staples or Office Depot).

Procurement of Services:

I. Professional Services.

A. Contracts for all services 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 Agency confirming the professional nature or specialized skill or judgment involved in such service. It is intended that the type of professional service so excluded from competitive process shall be the professional services currently excluded from the ambit of Section 103 of the GML.

B. Contracts for professional services that are reimbursed for by a grant shall follow the competitive process required by the grant.

C. Notwithstanding the following, the Executive Director is authorized to request proposals and qualifications from professional service providers.

II. Marketing Services. The award of contracts, marketing, promotional advertising, sponsorship and similar services may be awarded by the Agency's Chairman and/or Executive Director using his/her judgment, in keeping with the best interests of the Agency. It is intended that the type of service so excluded from competitive process include, without limitation, sponsorships of charitable and civic events.

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.