

GLDC PROCUREMENT POLICIES

The mission of Griffiss Local Development Corporation (“GLDC”) is to attract new businesses to, and work to retain existing businesses at, the former Griffiss Air Force Base, Rome, New York by, among other things, developing the Griffiss Business and Technology Park and assisting the County of Oneida in its efforts to develop the Griffiss International Airport.

In the course of its operations, GLDC has occasion to procure various goods and services. To facilitate the acquisition of goods and services of maximum quality at the lowest possible cost, but consistent with its best interests, GLDC has adopted the procurement policies (the “Procurement Policies”) hereinafter set forth.

These Procurement Policies are intended to establish guiding principles and internal procedures relating to GLDC’s procurement activities (except for the acquisition of real property and/or any interest in real property). As is more particularly set forth in Section 8 below, they are not intended to and shall not create in or convey to third parties any substantive rights.

1. Definitions.

As used herein, the following capitalized words shall have the following meanings:

“Commodities” shall mean goods, materials, equipment and supplies (except for those provided by regulated utility companies).

“Construction/Renovation Project” shall mean a project for the construction and/or renovation of buildings or other improvements on real property owned and/or leased by EDGE.

“Exempt Services” shall mean professional services and services requiring special technical skill, training, expertise or, in some instances, a license in order to render such services. Exempt Services shall include, without limitation, the services of attorneys, accountants, architects, construction managers, surveyors, engineers, consultants, financial advisors, appraisers, real estate brokers, real property managers, insurance brokers, bond underwriters, computer specialists, printers, investment managers, public relations specialists and services provided by regulated utility companies.

“GLDC” shall mean Griffiss Local Development Corporation.

“Project Schedule” shall mean the schedule for commencing and substantially completing a particular Construction/Renovation Project taking into account any factors that may be relevant including anticipated weather conditions and the desired utilization and/or occupancy date for the facility or facilities which are the subject of the Construction/Renovation Project. The Project Schedule applicable to any given Construction/Renovation Project shall be determined by an Authorized Representative of GLDC or its Chairperson, acting in his or her sole judgment.

“Services” shall mean all services (except for Exempt Services and services rendered in connection with a Construction/Renovation Project).

2. Initial Determination. As part of its procurement process, GLDC shall make an initial determination as to whether a proposed contract involves (1) the purchase and/or leasing of Commodities and/or Services or (2) a Construction/Renovation Project. Once GLDC makes that determination, it shall follow the applicable procurement policy set forth below.

3. Purchases of Commodities and/or Services.

Each purchase and/or lease of Commodities and/or Services involving an estimated expenditure of more than \$5,000.00 shall be subject to the approval of an Authorized Representative of GLDC or its Chairperson, who shall make a good faith effort to solicit at least three (3) written quotes/proposals with respect thereto.

There may be instances where GLDC is able to acquire Commodities that are advertised by the State of New York under a state contract administered by the Office of General Services (“OGS”) or by the Federal Government under a federal contract overseen by the General Services Administration (“GSA”). In either event, the OGS or GSA list price shall be deemed to be the lowest price and GLDC shall not be required to solicit multiple quotes/proposals for the purchase and/or lease of such Commodities.

Each purchase and/or lease of Commodities and/or Services involving an estimated expenditure of \$5,000.00 or less shall not require the solicitation of multiple price quotes/proposals. However, GLDC may consider making periodic solicitations to determine that its purchase and/or leasing of such Commodities and/or Services are based on competitive pricing and other considerations beneficial to GLDC.

4. Construction and/or Renovation Projects.

Each Construction and/or Renovation Project involving an estimated expenditure of \$50,000.00 or less is subject to the approval of an Authorized Representative of GLDC or its Chairperson, who shall make a good faith effort to solicit at least three (3) written quotes/proposals with respect thereto.

With respect to each Construction and/or Renovation Project involving an estimated expenditure of more than \$50,000.00:

- (a) in any case where the Project Schedule permits, GLDC shall make a good faith effort to utilize a competitive design-bid-build procurement process or other competitive procurement process (which may include, without limitation, an invitation-to-bid, RFP or RFQ process).
- (b) in any case where the Project Schedule does not permit, GLDC may use a non-competitive design-build procurement process or other non-competitive procurement process. In any instance where GLDC engages a design-builder or other contractor by means of a non-competitive procurement process, GLDC shall require such design-builder or contractor to use a competitive procurement process when it selects subcontractors and/or suppliers, to the extent practicable.

5. Compliance with Funding Source Procurement Requirements

Notwithstanding anything to the contrary contained in these Procurement Policies, GLDC shall comply with the terms and conditions of each award, grant or contract it has with any federal, state or other funding source relating to (a) the purchase of Commodities and/or Services or the undertaking of a Construction/Renovation Project and/or (b) the utilization of Minority and/or Women-Owned Business Enterprises (M/WBEs”), Service Disabled Veteran’s Owned Businesses (“SDVOBs”), Small Business Enterprises (“SBEs”) and/or Disadvantaged Businesses Enterprises (“DBEs”), to the extent that such terms and conditions are applicable

6. Evaluation of Bids, Proposals, Quotes, Etc.; Basis of Award

GLDC shall not be bound to award a purchase contract or lease to a vendor or supplier solely based on price. Quality and reliability of product, compliance with stated specifications, including proposed substitutions, service and warranties, delivery and installation schedules, and other factors deemed appropriate by GLDC are factors that GLDC may consider in selecting a vendor or supplier for the purchase and/or lease of Commodities and/or Services or a contractor or contractors to undertake a Construction and/or Renovation Project. In cases where a purchase contract or lease or construction contract is to be awarded for reasons other than price or by means of a non-competitive procurement process, GLDC shall make a reasonable effort to document the rationale for its decision.

7. Emergency Procurements/Procurement of Exempt Services.

(a) GLDC may make emergency purchases without following the Procurement Policies set forth herein where Commodities and/or Services must be purchased immediately and a delay in order to secure alternate proposals may threaten someone’s life, health, safety, property or welfare. Emergency purchases will be made at the discretion of an Authorized Representative of GLDC or its Chairperson with appropriate documentation as to the nature of the emergency.

(b) Exempt Services shall not be subject to these Procurement Policies and may be procured or purchased by an Authorized Representative of GLDC or its Chairperson.

8. No Third-Party Rights; Validity of Contracts

(a) These Procurement Policies are intended for the guidance of officers and employees of GLDC only. Nothing contained herein is intended, nor shall it be construed, to confer to any person, firm or corporation any right, remedy, claim or benefit under, or by reason of, any requirement or provision hereof.

(b) Nothing contained in these Procurement Policies alters or affects the validity of, modifies the terms of or impairs any contract or agreement entered into in violation of these Procurement Policies.

9. Waiver of Procurement Policies

The GLDC Board of Directors (or its Executive Committee) may adopt a resolution waiving the application of these Procurement Policies (or any of the requirements set forth herein) with respect to the purchase of any Commodities and/or Services or the undertaking of any Construction/Renovation Project where these Procurement Policies would otherwise apply if it determines that such a waiver would be in GLDC's best interest. The GLDC Board of Directors (or its Executive Committee) shall document the reason or reasons for its determination that the waiver would be in GLDC's best interest.