

Regular Meeting of the New Rochelle Corporation for Local Development

May 25, 2022 at 7:30 PM

515 North Ave. –Council Conference Room, New Rochelle, New York 10801

AGENDA

1. Roll Call/Announcements
2. Minutes
3. Procurement Policy - Resolution
4. Other Business/Discussion Items
5. Next Meeting Date – June 29, 2022
6. Adjournment

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Minutes Summary of the Regular Meeting of the New Rochelle Corporation for Local Development (CLD)
held on Wednesday, April 27, 2022 at 7:30 pm in City Hall, Council Conference Room

Present: Charles B. Strome, III, Chair
Ivar Hyden, Vice Chair
Howard Greenberg, Secretary
Robert Balachandran, Treasurer
Jordanna Davis, Member
Amy Moselhi, Member

Absent: Felim O'Malley, Member

Also Present: Adam Salgado, CLD Executive Director, Commissioner of Development
Lisa Davis, Economic Development / CLD Manager
Darius Chafizedah, Transaction Counsel, Harris Beach

CLD Meeting was called to order by Chairman Strome. Roll Call was taken.

Announcements: None

Minutes: A motion was made by Mr. Hyden and seconded by Mr. Greenberg to approve the March 2022 Minutes; and was unanimously approved.

Kingdom Community Consultants – Booker T Washington Vocational Institute- Resolution

Mr. Salgado stated that the resolution before the Board is to authorize the CLD to extend the agreement with Kingdom Community Consultants LLC to host a summer session of The Booker T. Washington Vocational Training Institute. In order to promote economic empowerment, employment and general well-being, the Booker T. Washington Vocational Institute provides vocational training for African American youth of New Rochelle. The program will teach basic skills in various trades like plumbing, general construction and carpentry; and will introduce youth to possible career paths.

The training program is proposed to run from July 6th to August 26th for an amount not to exceed \$100,000.00. This amount is available in the CLD's job training line item.

The Board engaged in question and comment. A motion to approve was made by Ms. J. Davis and seconded by Mr. Greenberg. All in favor, the motion passed.

Crain's Spotlight on Westchester - Resolution

Mr. Salgado stated that the resolution before the Board is to approve an expenditure of \$6000 for a half page ad in Crain's upcoming Spotlight on Westchester. Crain's New York Business will publish a custom print section and digital PDF to spotlight Westchester's strong business climate and its economic development efforts. The \$6000 cost is available in the CLD's Marketing line item.

A motion to approve was made by Mr. Strome and seconded by Mr. Balachandran. All in favor, the motion passed.

New Business/Discussion: None

Next Meeting: May 25, 2022

Adjournment: Mr. Strome made a motion to adjourn the meeting, seconded by Mr. Greenberg. All in favor, the motion passed.

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Date: May 25, 2022

At a meeting of the City of New Rochelle Corporation for Local Development (the “Corporation”), held at City Hall, 515 North Avenue, New Rochelle, New York on the 25th day of May, 2022, the following members of the Corporation were:

Present:

Absent:

Recused:

Also Present:

After the meeting had been duly called to order, the Chair announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to the adoption of a revised procurement policy of the City of New Rochelle Corporation for Local Development in accordance with the provisions of the New York State Public Authorities Law.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

Voting Aye

Voting Nay

RESOLUTION OF THE CITY OF NEW ROCHELLE CORPORATION FOR
LOCAL DEVELOPMENT ADOPTING A REVISED PROCUREMENT POLICY OF THE
CITY OF NEW ROCHELLE CORPORATION FOR LOCAL DEVELOPMENT IN
ACCORDANCE WITH THE PROVISIONS OF THE NEW YORK STATE PUBLIC
AUTHORITIES LAW

WHEREAS, the City of New Rochelle Corporation for Local Development (the “**Corporation**”) is a local development corporation organized for the benefit of the City of New Rochelle, New York (the “**City**”) under §1411 of the New York Not-for-Profit Corporation Law (“**N-PCL**”) and a “local authority” under §2 of the New York Public Authorities Law (the “**PAL**”), created to help relieve and reduce unemployment, improve and maintain job opportunities, instruct or train individuals to increase or develop their capabilities for such jobs for the purpose of aiding, retaining and attracting not-for-profit entities in the City and lessening the burdens of government by acting in the public interest; and

WHEREAS, the New York State Legislature adopted the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009 (collectively, and as the same may be further amended, the “**PAAA**”), designed to ensure that New York’s public authorities operate more efficiently, more openly, and with greater accountability; and

WHEREAS, the PAAA requires that the Corporation adopt or re-adopt, as the case may be, policies to comply with the provisions of the PAAA, including, among others, a Procurement Policy (the “**Procurement Policy**”); and

WHEREAS, the Corporation has determined to make certain revisions to its Procurement Policy by increasing the dollar amount of goods and services that can be purchased at the discretion of the Chair or the Executive Director in order that the same may prove more effective in implementing and facilitating the Corporation’s goals and purposes; and

WHEREAS, to carry out the aforesaid purposes, the Corporation has the power under the N-PCL and the PAL to do all things necessary to fulfill its obligations imposed by the N-PCL, the PAL and the PAAA.

NOW, THEREFORE, BE IT RESOLVED by the Corporation as follows:

Section 1. The Corporation hereby finds and determines:

(a) By virtue of the N-PCL and the PAL, the Corporation has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the N-PCL and the PAL Act and to exercise all powers granted to it under the N-PCL and the PAL;

(b) Adopting the Procurement Policy with the revisions proposed to be made thereto will allow the Corporation to continue to operate in compliance with the N-PCL and

the PAL and in compliance with the PAAA, and cause the Corporation to operate more efficiently, openly and with greater accountability to the residents of the City of New Rochelle

Section 2. In consequence of the foregoing, the Corporation hereby determines to adopt the Procurement Policy with the revisions made thereto, a copy of which is attached hereto as Exhibit A.

Section 3. The Corporation is hereby authorized to do all things necessary or appropriate for the accomplishment of the purposes of this resolution, and all acts heretofore taken by the Corporation with respect to such activities are hereby approved, ratified and confirmed.

Section 4. This resolution shall take effect immediately.

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STATE OF NEW YORK)
 : SS.
COUNTY OF WESTCHESTER)

I, the undersigned Secretary of the New Rochelle Industrial Development Agency, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the New Rochelle Industrial Development Agency (the “Agency”), including the resolutions contained therein, held on the 25th day of May, 2022, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Corporation and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with the New York Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, as amended, that all members of said Agency had due notice of said meeting and that said meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 25th day of May, 2022.

By: _____
Secretary

Exhibit A

Procurement Policy

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CITY OF NEW ROCHELLE CORPORATION FOR LOCAL DEVELOPMENT

PROCUREMENT POLICY

I. Introduction

- A. Applicability - This Procurement Policy (“Policy”) shall apply to the City of New Rochelle Corporation for Local Development (the “Corporation”).
- B. Scope – In accordance with Public Authorities Accountability Act of 2005, the Corporation is required to adopt policies for the procurement of goods and services.
- C. Purpose – The primary objectives of this Policy is 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.

II. Procedures

- A. Solicitation Procedures for the Purchase of Commodities, Equipment, Goods or Services.
 - 1. Up to \$5,000 per instance – The discretion of the Chairperson or Chief Executive Officer of the Corporation or authorized designee.
 - 2. Greater than \$5,000 to \$20,000 per instance – The discretion of the Chairperson, Executive Director or Chief Executive Officer of the Corporation or authorized designee but only after first requesting verbal quotations or written/fax/email quotations from at least three (3) vendors.
 - 3. Greater than \$20,000 per instance – Written Request for Proposal.
 - 4. Notwithstanding the foregoing, should cumulative procurements pursuant to paragraphs 1 or 2 above exceed \$50,000 per calendar year for a single vendor, the Corporation shall be required to prepare a Written Request for Proposal for such procurements.
- B. Exceptions. Alternative proposals or quotations shall not be required for procurements made through or with respect to:
 - 1. New York State, Westchester County Contracts or City of New Rochelle – when the Agency is able to procure commodities, equipment, goods or services through New York State, Westchester County or City of New Rochelle contracts, it is unnecessary to obtain quotations or

bids;

2. Procurements made by the City of New Rochelle on behalf of the Corporation in accordance with the City's procurement policies and procedures or made by the Corporation in accordance with the City's procurement policies and procedures.
3. State Finance Law Section 175-b (from agencies for the blind or severely handicapped);
4. Correction Law Section 186 (articles manufactured in correctional institutions);
5. Emergency Procurements – an emergency exists if the delay caused by soliciting quotes would endanger health, welfare, property or an economic development opportunity. Approval of the Executive Director is necessary, which shall be documented and shall also include a description of the facts giving rise to the emergency.
6. Sole Source Procurements – A “sole source” means a situation where (i) there is only one possible source from which to produce goods and/or services available in the marketplace, (ii) no other goods and/or services provide substantially equivalent or similar benefits, and (iii) considering the benefits, the cost to the Corporation is reasonable.
7. Utilities and Affiliate Transactions – The purchase of utilities and inter-affiliate transactions are excepted from alternative proposal/quotation requirements.
8. Unavailability of three (3) vendors who are able or willing to provide a quote.
9. Professional services unless the Chairman or the Executive Director determines that a written request for proposal may be in the best interest of the Corporation.

C. Basis for the Award of Contracts.

Contracts will be awarded to the lowest responsible dollar offeror who meets the specifications therefor, except in circumstances that the Corporation determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, the Corporation shall consider relevant factors including, without limitation:

1. Delivery requirements;
2. Quality requirements;
3. Quantity requirements;

4. Past vendor performance and/or experience;
5. The unavailability of three or more vendors who are able or willing to quote on a procurement;
6. It may be in the best interests of the Corporation to consider only one vendor who has previous expertise with respect to a particular procurement; and
7. Any procurement excepted from the alternative proposal/quotation requirements as set forth in subdivision 2 of this Section B, and the procurement of professional services in Section C of this Policy.

D. Documentation

1. A record of all solicitations for alternative proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the procurement file.
2. For each procurement by the Agency, the Executive Director of the Corporation or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.
3. Whenever an award is made to an offeror other than the lowest responsible dollar offeror, the reasons for doing so shall be set forth in writing and maintained in the procurement file.
4. Whenever the specified number of quotations cannot or will not be secured, the reasons for this shall be indicated in writing and maintained in the procurement file.

III. Professional Services.

Contracts for professional services involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity. Professional services include services which require special education and/or training, license to practice or are creative in nature. Examples are: lawyers, doctors, accountants, and engineers. Furthermore, professional service contracts often involve a relationship of personal trust and confidence.

IV. Unintentional Failure to Comply.

The unintentional failure to comply with this Policy shall not be grounds to void any action taken or give rise to a cause of action against the Corporation or any officer thereof.

V. Approval and Reporting.

To the extent that funds are available in the current year's Budget adopted by the Board, the Executive Director shall have the authority to procure commodities, equipment, goods and services pursuant to the procedures set forth in this Policy and to make payment for such procurements up to twenty thousand dollars (\$20,000.00) in each instance. Any procurement in excess of twenty thousand dollars (\$20,000.00) or not provided for within the current year's adopted Budget must be approved by the Board.

To the extent that funds are available in the current year's Budget adopted by the Board, the Executive Director shall have the authority to (i) enter into an agreement with the City of New Rochelle (the "City") to be an additional beneficiary of goods or services procured by the City and (ii) make payment to the City for the Corporation's proportional share of the cost, if required, in an amount not to exceed twenty thousand dollars (\$20,000.00). Any such arrangements with the City that involve amounts in excess of twenty thousand dollars (\$20,000.00) or not provided for within the current year's adopted Budget must be approved by the Board.

The Executive Director shall provide monthly reports to the Board detailing the procurements and payments to the City made pursuant to this Section E without Board approval, if any, within the previous month.

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