

**Chairman**  
Samuel Nahmias

**Vice Chairman**  
Vincent Pasqua



**Commissioners**  
Monica McGrath  
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**Nassau County Bridge Authority**  
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**NASSAU COUNTY BRIDGE AUTHORITY**  
**POLICY AND COMPLIANCE MANUAL**

**RATIFIED JULY 20, 2023**

**NASSAU COUNTY BRIDGE AUTHORITY  
ADOPTED POLICIES**

# **NASSAU COUNTY BRIDGE AUTHORITY POLICIES**

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## **Nassau County Bridge Authority By-Laws**

### **Article I: Name and Location**

The name of this public benefit corporation shall be the Nassau County Bridge Authority, hereinafter also referred to the Authority.

The principal office of the Authority shall be maintained at the Atlantic Beach Bridge.

### **Article II: Purpose and Powers**

The purpose of the Authority shall be those enumerated in the NYS Public Authorities Law Section 1, Article 3, Title 7, and amended referred to as the Enabling Act.

The general and special powers of the Authority shall be those enumerated in the Enabling Act.

### **Article III: Membership**

The Authority shall consist of five members who shall be appointed as defined by the Enabling Act.

### **Article IV: Officers**

The Executive of the County of Nassau shall designate one of the members to serve as the Chairperson.

The authority shall elect a Vice-Chair. at an agreed regular meeting as least once a calendar year.

## **Article V: Duties of the Officers**

**Section A. Chair** - The Chair shall preside at all meetings of the Authority with the right to vote and shall serve as an ex-officio member on all committees, with the right to vote only when substituting for a regular voting member of the committee.

**Section B. Vice-Chair** - Perform duties designated by Authority and act as Chair in the event the Chair is unable to act, then following all restrictions applicable to the Chair.

## **Article VI: Committees**

**Section A. Standing Committees** - The standing committees of the Authority shall be:

1. Audit
2. Governance
3. Finance
4. Health and Safety

Each committee standing committee shall have no less than two nor more than three members, appointed by the Chair, including the designated Chair.

**Section B. Special Committees** - The Chair, with approval from the Authority, may appoint special committees to further the purposes, powers, and approved actions of the Authority.

**Section C. Duties of the Committees** - All committees shall be advisory committees of the Authority. The specific tasks and duties shall be determined by the action of the Authority.

## **Article VII Meetings**

**Section A. Regular Meetings** - These meetings shall be held at least quarterly, dates determined by the Authority. The Authority shall consider all matters as may be properly brought before them.

**Section B. Special Meetings** - Special meetings of the Authority may be called by the Chair, or requested by any three of the voting members for consideration of a specific agenda of business. All members of the Authority shall be notified by mail facsimile or phone at least 24 hours before the meeting time.

**Section C. Committee Meetings** - All committee meeting will be arranged by the committee on such dates and at such times the voting member of the committees shall determine.

**Section D. Meeting by Video Conference** - The Chair or Chair designee may decide the need for a quorum, the Chair may then give notice for the members to participate in a meeting by means of video conference or similar communications equipment, so that all persons are visible.

## **Article VIII Quorum and Voting**

**Section A. Quorum** - Three members shall constitute a quorum at all regular and special meetings of the Authority.

**Section B. Voting** - Any amendment of these By-laws shall only become effective upon the favorable vote of majority members of the Authority.

### **Article IX. Amendments**

These by-laws may be amended, as set forth in the Enabling Act, at any regular or special meeting, provided that (30) days written notice of such proposed amendment shall have first been given to each member.

### **Article X. Indemnification**

The Authority agrees at its sole cost and expense to indemnify and hold harmless the members, officers, and employees of the Authority from all cost and liabilities of every kind and nature as herein provided.

All members, officers, and employees of the Authority while acting in behalf of the Authority shall be entitled to the fullest extent of indemnification permitted by law, including but not limited to, attorney's fee, disbursements, costs, and settlement amounts.

### **Article XI. Miscellaneous**

**Section A. Enabling Act** - Nothing contained in these by-laws shall be held to supplement or otherwise expand the purposed powers, or duties of the Authority as set forth in the Enabling Act.

**Section B. Parliamentary Authority**- The current edition of the Standard Code of Parliamentary Procedures governs this organization in parliamentary situations that are not provided for in the law or in the enabling act, bylaws, or adopted rules.

### **Article XII. Prohibition on Loans**

In accordance with Public Authorities Law, Section 2824, the Authority shall not, directly or indirectly, including through a subsidiary, extend or maintain credit, arrange for the extension of credit, or renew any extension of credit, in the form of a personal loan to or for any officer, board member or employee (or equivalent thereof) of the Authority.

The bylaws were adopted on September 11, 2008.

## **Code of Ethics**

### **Nassau County Bridge Authority**

This Code of Ethics shall apply to all officers and employees of the Nassau County Bridge Authority. These policies shall serve as a guide for official conduct and are intended to enhance the ethical and professional performance of the Authority's directors and employees and to preserve public confidence in the Authority's mission.

#### **Responsibility of Directors and Employees**

1. Directors and employees shall perform their duties with transparency, without favor and refrain from engaging in outside matters of financial or personal interest, including other employment, that could impair independence of judgment, or prevent the proper exercise of one's official duties.
2. Directors and employees shall not directly or indirectly, make, advise, or assist any person to make any financial investment based upon information available through the director's or employee's official position that could create any conflict between their public duties and interests and their private interests.
3. Directors and employees shall not accept or receive any gift or gratuities where the circumstances would permit the inference that: a) the gift is intended to influence the individual in the performance of official business or; b) the gift constitutes a tip, reward, or sign of appreciation for any official act by the individual. Gifts could be presented in the form of financial payments, services, loans, travel reimbursement, entertainment, hospitality, thing or promise from entity doing business with or before the Authority. In no event shall directors or employees accept any gift greater than \$75.00.
4. Directors and employees shall not use or attempt to use their official position with the Authority to secure unwarranted privileges for themselves, including employment with the Authority or contracts for materials or services with the Authority.
5. Directors and employees must conduct themselves at all times in a manner that avoids any appearance that they can be improperly or unduly influenced, that they could be affected by the position of or relationship with any other party, or that they are acting in violation of their public trust.
6. Directors and employees may not engage in any official transaction with an outside entity in which they have a direct or indirect financial interest that may reasonably conflict with the proper discharge of their official duties.
7. Directors and employees shall manage all matters within the scope of the Authority's mission independent of any other affiliations or employment. Directors, including ex official board members, and employees employed by more than one government shall strive to fulfill their professional responsibility to the Authority's mission to the fullest.
8. Directors and employees shall not use Authority property or resources or disclose information acquired in the course of their official duties in a manner inconsistent with State or local law and the Authority's mission and goals.

9. No Director, employ any firm which a Director or employee is a member of or corporation which a substantial portion of stock that is owned or controlled directly or indirectly by such Director or employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the Nassau County Bridge Authority.

### **Implementation of Code of Ethics**

This Code of Ethics shall be provided to all directors and employees upon commencement of employment or appointment and shall be reviewed annually by the Governance Committee.

- Counsel in confidence Authority directors and employees who seek advice about ethical behavior.

Receive and investigate complaints about possible ethics violations.

- Dismiss complaints found to be without substances.

Prepare an investigative report of their findings for action by the Executive Director or the board.

- Record the receipt of gifts or gratuities of any kind received by a director or employee, who shall notify the Ethics Officer within 48 hours of receipt of such gifts and gratuities.

### **Penalties**

In addition to any penalty contained in any other provision of law, an Authority director or employee who knowingly and intentionally violates any of the provisions of this code may be removed in the manner provided for in law, rules or regulations.

### **Reporting Unethical Behavior**

Employees and directors are required to report possible unethical behavior by a director or employee of the Authority to the Ethics Officer. Employees and directors may file ethics complaints anonymously and are protected from retaliation by the policies adopted by the Authority.

*The Nassau County Bridge Authority also extends all Whistleblower Protections offered by NYS Labor and Civil Service Law.*



# **NASSAU COUNTY BRIDGE AUTHORITY INVESTMENT POLICY AND GUIDELINES**

## **I. SCOPE**

This Investment Policy and Guidelines applies to the Investment of all moneys on the Authority's own behalf including funds held by a Trustee under a Bond Resolution.

## **II. OBJECTIVES**

The primary objectives of the Authority's Investment activities are, in priority order to:

Conform to all applicable federal, state and other legal requirements including Section 660 of the Public Authorities Law, Section 39 of the General Municipal Law, as well as applicable Bond Resolution requirements (legal);

Adequately safeguard principal (safety)

- Provide sufficient liquidity to meet the purposes for which the funds are being held (liquidity); and

Obtain a reasonable rate or return, subject to any applicable requirements imposed by Federal Tax Law (yield).

## **III. DELEGATION OF AUTHORITY**

The Board's responsibility for administration of the investment program is delegated to the Authority's Executive Director and/or Chief Financial Officer, who shall establish written procedures for the operation of the investment program consistent with the investment Policy and Guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating descriptions of all transactions, including amounts of investments, transactions dates, and other relevant information and that regulates the activities of employees.

## **IV. PRUDENCE**

All participants in the investment process shall act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Authority's ability to effectively fulfill its duties and responsibilities.

Investments shall be made in accordance with this Investment Policy and Guidelines using judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the objectives set forth in Section II herein.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make partial investment decisions.

## **V. DIVERSIFICATION**

It is the policy of the Authority, subject to the requirements of the Treasurer of the County of Nassau, and subject to the requirements of any applicable Bond Resolution and to the extent practicable, to diversify its deposits and investments by financial institution, by investment instrument, and by maturity. The cash flow requirements of the project or fund will be the primary determining factor in selecting investment securities for project funds. Operating funds of the Authority may be held in one or more deposit accounts.

## **VI. INTERNAL CONTROLS**

The Executive Director and/or Chief Financial Officer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are made in accordance with this Investment Policy and Guidelines and are safeguarded against, among other things, loss for unauthorized use or disposition, that transactions are executed in accordance with the Board's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

Only those individuals authorized by Resolution of the Board will be able to make investments or cause the transfer of funds and investments.

The Chairman and/or a Commissioner of the Board shall review and approve investments transactions initiated by Authority staff for compliance with this Investment Policy and Guidelines. Evidence of this approval will be made by: (i) the Chairman and/or a Commissioner of the Board signing the investment schedule that is prepared and forwarded to the Treasurer of the County of Nassau, listing certain investments made (certificates of deposits), or (ii) the Chairman and/or a Commissioner of the Board initialing the investment authorization letter accompanying instructions to the trustee or custodian for the investment of the remaining investments (debt service reserve fund, maintenance reserve fund, construction fund and investment checking account).

## VII. PERMITTED INVESTMENTS

Subject to the provisions of Section 39 of the General Municipal Law, as well as any provisions of any applicable Bond Resolution, the Authority hereby authorizes the Executive Director or the Chief Financial Officer to invest moneys not required for immediate expenditure in the following types of investments:

- a. Obligations issued, fully insured or guaranteed as to the payment of principal and interest, by the United States of America;
- b. Obligations issued, or fully insured or guaranteed as to payment of principal and interest, by an agency instrumentality of the United States of America that are rated in at least the second highest rating category by at least two nationally recognized rating organizations.
- c. Certificates of Deposits, in accordance with Section XIII hereof;
- d. Depository accounts with banking institutions insured under the Deposit Insurance Act or equivalent.

## VIII. PERMITTED COLLATERAL

Whenever this Investment Policy and Guidelines require that Permitted Investments be secured by Collateral, the securities pledged must be in accordance with the provisions of Section 39 of the General Municipal Law as follow:

- a. Collateral must be sufficient to cover investments and deposits before money is deposited or invested with a financial institution,
- b. In order to allow for market fluctuation and to ensure that there is a sufficiency of collateral, it is the policy of the Treasurer of Nassau County to require 105% of the United States of America (US Treasury) and obligations of agencies guaranteed by the United States of America (Ginnie Mae's).
- c. Collateral of 120% is required if collateral is in the form of obligations of the State of New York. These obligations must be rated as follows:

Moody's	AAA, AA, A, BAA
Standard & Poor's	AAA, AA, A, BAA
- d. Contracts for financial guaranty, surety or other similar bonds or other instruments purchased from an insurance company holding the highest rating (A+XII rating or higher or the highest rating afforded by any other nationally recognized rating organization), having a minimum equity capital of \$125,000,000 and which regularly deal in such contracts, bonds or instruments.

## **IX. SAFEKEEPING AND COLLATERALIZATION**

Only those securities described in Section VIII hereof shall be used to collateralize deposits and investments. Such securities shall be held by a third-party bank or trust company pursuant to a written custodial agreement or held in trust under a bond resolution.

Said securities must be delivered to the custodial bank and held in safekeeping in the name of the Nassau County Bridge Authority. The custodial bank must forward an advice containing the description of the securities to the Nassau County Bridge Authority and/or the Treasurer of the County of Nassau.

Undertaking and Assignment, in blank, must be executed by the financial institution, forwarded to the Treasurer of the County of Nassau and approved by the County Attorney. In addition, electronic collateral must have a signed agreement between the financial institution, custodial bank and the Treasurer of the County of Nassau.

Collateral must be sufficient to cover investments and deposits before money is deposited or invested with a financial institution.

Each such custodian or trustee shall be a banking organization authorized to do business in the State of New York, having a minimum equity capital of \$125,000,000.

## **X. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The Executive Director or the Chief Financial Officer shall maintain a list of financial institutions and dealers approved for investment purposes by the Treasurer of the County of Nassau. The Executive Director or the Chief Financial Officer shall confirm with the Treasurer of the County of Nassau the appropriate limits on the amounts of investments that can be made with each financial institution or dealer.

## **XI. PURCHASE OF INVESTMENTS**

The Board shall, by separate Resolution designate those officers and employees of the Authority that are authorized to contract for the purchase of investments and the transfer of moneys or investments. Investments shall be purchased, sold or presented for redemption or payment by the trustee or custodial bank or trust company in accordance with prior written authorization from an officer or employee authorized to make the investment, in conjunction with the Treasurer of the County of Nassau. All such transactions shall be confirmed to the Authority, in writing, by the trustee or custodian bank or trust company. Any obligation held in custody of the trustee shall be held in accordance with the applicable bond resolution and in

all other instances by a bank or trust company pursuant to a written custodial agreement that complies with Section IX of this Investment Policy and Guidelines.

### **XIII. CERTIFICATES OF DEPOSITS**

All Certificates of Deposits shall be collateralized and secured by permitted Collateral specified in Section VIII hereof. In addition, as required by Section IX hereof, undertaking and assignment, in blank, must be executed by the financial institution, forwarded to the Treasurer of the County of Nassau and approved by the County Attorney. Further, electronic collateral must have a signed agreement between the financial institution, custodial bank and the Treasurer of the County of Nassau.

### **XIV. ANNUAL APPROVAL OF INVESTMENT POLICY AND GUIDELINES- AMENDMENTS**

The Authority shall annually review and approve this Investment Policy and Guidelines and may, from time to time, amend the same.

### **XV. EFFECT OF NONCOMPLIANCE WITH INVESTMENT POLICY AND GUIDELINES**

Failure by the Authority to comply with the provisions of this Investment Policy and Guidelines shall not be deemed to alter, affect the validity of, modify the terms of or impair any contract, agreement or investment of funds.

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**Nassau County Bridge Authority  
Executive Management Time, Attendance and Compensation Policy**

**MANAGER/EXECUTIVE DIRECTOR**

**I. HIRING/SERVICE OF MANAGER**

The Manager of the Nassau County Bridge Authority shall be hired and serve at the pleasure of the Nassau County Bridge Authority Board of Commissioners.

**2. COMPENSATION OF MANAGER**

The starting compensation for the Manager of the Nassau County Bridge Authority shall be set by the Board of Commissioners based upon the candidate's qualifications and experience. Such starting compensation will also be in compliance with the salary range set forth by the Nassau County Civil Service Agency and in keeping with responsible labor/management practices, shall not exceed 4 times the salary of the lowest salaried full-time employee. An annual review of salary and performance should be conducted and any adjustments made by vote of the Nassau County Bridge Authority Board of Commissioners.

**3. ATTENDANCE**

The Manager of the Nassau County Bridge Authority is in an "On-Call" status 24 hours a day, 7 days per week. The Manager is required to be on-site for no less than 40 hours per week/80 hours per pay period. The Manager is entitled to utilize his/her discretion as to when those hours are to be worked and is required to keep written documentation of such hours. The Manager is not permitted to accrue overtime or compensatory time. Fractional service may be extended or rescinded upon majority vote of the Nassau

County Bridge Authority Board of Commissioners. Such fractional service shall be reflected in salary, time accrual and pension credits.

#### 4. VACATION, SICK and PERSONAL TIME ACCRUAL

The Manager will be entitled to 25 days of vacation time each year, half to be awarded after six months of employment and the remainder to be awarded upon completion of one year of service. Thereafter, vacation time will be accrued upon the employee anniversary date. Sick time is accumulated at the rate of one day per month and an additional day upon completion of the Manager's anniversary date. Personal time is granted upon the Manager's anniversary date at the rate of five days per year.

Executive Management shall be exempt from the time sell-back restrictions in the NCBA Collective Bargaining Agreement.

## DEPUTY MANAGER

### I. HIRING/SERVICE OF DEPUTY MANAGER

The Deputy Manager of the Nassau County Bridge Authority shall be hired and supervised by the Manager/Executive Director of the Nassau County Bridge Authority.

### 2. COMPENSATION OF DEPUTY MANAGER

The starting compensation for the Deputy Manager of the Nassau County Bridge Authority shall be set by the Manager with the advice and consent of the Board of Commissioners based upon the candidate's qualifications and experience. Such starting compensation will also be in compliance with the salary range set forth by the Nassau County Civil Service Agency. An annual review of salary and performance should be conducted by the Manager and upon his/her recommendation, adjustments shall be made by vote of the Nassau County Bridge Authority Board of Commissioners.

### 3. ATTENDANCE

The Deputy Manager of the Nassau County Bridge Authority is in an "On-Call" status 24 hours a day, 7 days per week. The Deputy Manager is required to be on-site for no less than 40 hours per week/80 hours per pay period. In consultation with the Manager, the Deputy Manager is entitled to utilize his/her discretion as to when those hours are to be worked and is required to keep documentation of such hours. The Deputy Manager is not permitted to accrue overtime or compensatory time. Fractional service may be extended or rescinded upon majority vote of the Nassau County Bridge Authority Board of Commissioners. Such fractional service shall be reflected in salary, time accrual and pension credits.

#### 4. VACATION, SICK and PERSONAL TIME ACCRUAL

The Deputy Manager will be entitled to 25 days of vacation time each year, half to be awarded after six months of employment and the remainder to be awarded upon completion of one year of service. Thereafter, vacation time will be accrued upon the employee anniversary date. Sick time is accumulated at the rate of one day per month and an additional day upon completion of the Manager's anniversary date. Personal time is granted upon the Manager's anniversary date at the rate of five days per year.

Executive Management shall be exempt from the time sell-back restrictions in the NCBA Collective Bargaining Agreement.

#### **OTHER EXECUTIVE MANAGEMENT POSITIONS**

All other Executive Management positions shall be filled by the Manager/Executive Director with the Advice and Consent of the Nassau County Bridge Authority Board of Commissioners. The Time, Attendance, and Compensation for such positions are to be negotiated between the employee and the Nassau County Bridge Authority Manager and such contract shall be ratified by vote of the Nassau County Bridge Authority Board of Commissioners.

THESE POLICIES ARE TO BE REVIEWED AND RATIFIED ANNUALLY BY THE  
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**Nassau County Bridge Authority  
Additional Compensation Policy**

All other and additional compensation, not enumerated in the Collective Bargaining Agreement or in the Executive Management Compensation policy must be reviewed, adopted and approved by majority vote of the Nassau County Bridge Authority Board of Commissioners.

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**Nassau County Bridge Authority  
Computer Use Policy**

Computers are provided for NCBA business. The primary use of NCBA computers is for NCBA business.

The following rules apply to computer use:

1. There is a ZERO TOLERANCE policy for viewing web-sites that contain pornographic, explicit, sexist or racist content.
2. Personal e-mail use is permitted. However, e-mail, text, or chat messages that contain threatening, demeaning or insulting content are not to be sent from NCBA computers, neither through NCBA e-mail or personal e-mail, accessed through the internet on NCBA computers.
3. Downloading of programs, screensavers, photos and other web-content is only permitted with the direct approval and supervision of the NCBA Information Technology officer.

Abuse or misuse of these privileges may result in disciplinary actions to include revocation of personal computer use privilege or any other measure deemed appropriate by NCBA Management.

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## **Nassau County Bridge Authority Gratis Decal and Bridge Transit Policy**

Recognizing that the primary responsibility of the Nassau County Bridge Authority is the safe, effective and efficient administration of the Atlantic Beach Bridge, and recognizing the significant level of fiduciary responsibility that the Board has to our patrons and the surrounding community, the following policy adopted.

Gratis Decals are only to be granted upon written request to official government or agency vehicles that are marked as official.

Nassau County Bridge Authority employees and Board Members shall be permitted gratis transit of the Bridge and personnel in management positions shall be granted gratis decals.

Contractors and other agencies who are conducting temporary official business in the vicinity of the Bridge may be granted free passage upon written request and approval of NCBA Management in the form of trip tickets, trip card, decal or other such methods as deemed appropriate by the NCBA Management.

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**Nassau County Bridge Authority**  
**Property Disposition Policy**

The following policy is to provide procedure, guidelines and direction in the disposition of NCBA materials or property that is declared surplus or obsolete.

1. It is the responsibility of the NCBA Management to determine and declare NCBA Materials and Property surplus or obsolete.
2. Once such a determination is made, efforts are to be made to determine fair market value for such materials. A variety of methods may be used, including Kelly Blue Book, professional estimation, or an internet survey of similar materials.
3. Each month, an inventory of surplus materials or property is to be presented to the NCBA Board of Commissioners along with NCBA Management plans to dispose of such surplus.
4. Such property and materials are to be put out for public, sealed bid.
5. If the materials/property is not sold on the first offering, the minimum bid price is to be lowered by 20% and a second round of public bids if to be solicited.
6. If the materials/property is not sold on the second offering, the materials may be disposed of by the more expeditious method available, but record must be made of such disposition and the record is to be included in the monthly inventory presented to the NCBA Board.
7. Any monies from the sale of surplus material/property is to be deposited in the NCBA Revenue Account.

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**Nassau County Bridge Authority**  
**Records Retention and Disposition Resolution**

**RESOLVED**, by the Board of Commissioners of the Nassau County Bridge Authority that *Records Retention and Disposition Schedule MI-1*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

- (a) only those records will be disposed of that are described in *Records Retention and Disposition Schedule MI-1* after they have met the minimum retention periods described therein;
- (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods.

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# 2018 NCBA PROCUREMENT POLICY

**PROCUREMENT POLICY -Revised and adopted as of August 16, 2018.**

## POLICY

The following sets forth the requisitioning, purchasing, and receiving policies and procedures of the Authority. Goods and services which are not required by law to be procured pursuant to competitive biddings must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interest of the taxpayers, 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. To further these objectives the Board hereby adopts internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general special or local law. This includes the purchase and receipt of all materials both inventory and non-inventory. Included in these procedures are specific guidelines for requisitioning, vendor selection, competitive bidding, emergency purchasing and receiving.

## PROCEDURES FOR DETERMINING WHETHER PROCUREMENTS ARE SUBJECT TO BIDDING

Any Authority employee or Board approved representative of the Authority should for each particular proposed procurement, make an initial determination of whether competitive bidding is required by Section 103 of the General Municipal law or Section 659 of the Public Authorities Law. This determination process should include, but not be limited to, the following procedures:

Competitive bidding is hereby required for any product (volume as applied to current market unit price) which exceeds \$20,000.00 annually for purchase contracts which include obtaining goods or materials only and does not include personal services associated with utilizing these goods or materials.

Competitive bidding hereby required for any public work or construction contract (volume as applied to current market unit price) which exceeds \$35,000.00 annually for purchase contracts which include obtaining goods or materials only and also includes a construction component associated with utilizing these goods or materials.

Competitive bidding is hereby required for any construction contract exceeding \$35,000.00.

Should the supplied materials or equipment being procured or the construction work proposed exceed the competitive bidding thresholds listed above, the employees should then follow the procedures in General Municipal Law, Section 103 for Purchase Contract, Construction contracts and Public Work Contracts. If they equal or fall below the competitive bidding thresholds the employee should first check budgetary (operating plan and capital plan) appropriations to assure this procurement's place in the previously Board approved plans. Notwithstanding the proposed procurement's inclusion in either the operating plan or capital plan all procurements must first come before the Board within the monthly accounts payable warrants prior to acquiring these goods and/or services.

## METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS

While making the determination whether a proposed procurement is below competitive bidding limits it is imperative that proposed documentation is retained to support the ultimate outcome. This documentation could include evidence of written correspondence or verbal quotations supported by telephone logs and/or internal memorandums to file. In addition to these current estimates it is recommended, whenever possible, to provide and retain historical experience information supporting the determination. All relevant information supporting the anticipated cost of the procurements should be retained since this may affect the method of competition to be used for proposed procurement. This same documentation should support how it was determined whether a procurement was a purchase contract or a contract for public work. Once a determination has been made which results in procurement levels below the required competitive bidding thresholds the following methods of procurement should be followed:

### **Purchase Contracts Equal to or Less than \$20,000 in a Given Fiscal Operating Years**

**Good and materials under \$2,500 annually require no verbal or written quotes prior to obtaining the goods and materials.** Generally, it is felt that procurement this nominal in cost would negatively impact the Authority in incurring the cost of the employee's time and overheads to go through the process of soliciting verbal and written quotes. Purchase of this level however, must first be approved by the Executive Director.

Goods and materials between \$2,500-\$10,000 annually - requires 3 written quotes prior to obtaining the goods and materials. Purchases of this level must first receive the approval of the Executive Director. Prior to proceeding with procurements in this range the employee **should first confirm that the expenditure has been appropriated in the Board's approved operating plan (budget) and/or Board's approved capital plan (budget).**

***All purchase contracts made by the Authority in excess of \$10,000.00 must first receive verbal or written approval by a member of the Board.***

### **Contracts for Public Works Equal to or Less than \$35,000.00 in a Given Fiscal Operating Year**

**Contracts under \$2,500.00 annually - require no verbal or written quotes prior to obtaining services and material.** Generally, it is felt that procurements this nominal in cost would negatively impact the Authority by incurring the cost of the employee's time and overhead to go through the process of soliciting verbal and written quotes. Purchase of this level however, must first be approved by the Executive Director.

**Contracts between \$2,500.00-\$35,000.00 annually require 3 written quotes prior to obtaining services and materials.** Purchases of this level must first be submitted for **approval by the Executive Director** prior to proceeding with procurements.

***All contracts for public works made by the Authority in excess of \$10,000 must first receive verbal or written approval by a member of the Board.***

Despite a respective public works contract inclusion in a Board approved operating plan or capital plan, contracts falling within this range should be brought to the attention of the Board of Directors prior to procuring the services and materials in order to assure that the contract is consistent with the current plans of the Authority



and is in the best interest of public. At this time the Board may or may not instruct the Executive Director to continue with the proposed procurement. Note that the public works contract in this range does not qualify for competitive bidding nor do they require a specific action by resolution of the Board as long as this same procurement is part of the Board approved operating plan and/or capital plan.

Each capital project proposed by the Authority must first receive a written cost estimate which shall be approved by the Board. Included in this total cost will be parameters set for significant components of the proposed capital project. No increases to said accepted written proposal in excess of 5% shall be authorized without written authorization by the Board.

Upon receipt of the facts as well as possible advantages and disadvantages of re-bidding this project the Executive Director shall make the appropriate recommendation to the Board for their consideration.

## **METHODS OF SOLICITATIONS FOR STATUTORY EXCEPTIONS OF PROCUREMENT PURSUANT OT GENERAL MUNICIPAL LAW**

### Emergencies

Emergency situations allow for an exception to the statutory competitive bidding requirements. An emergency exists under this policy when A) a situation arises out of an accident or other unforeseen occurrence or condition; B) the circumstances affect public buildings, public property or the life, health, and safety or property of the Authority's employees or the public; C) the situation requires immediate action on the part of the Authority which cannot await competitive bidding. An emergency situation in no way relieves the Authority from procuring material and/or services at the lowest possible cost under the circumstances. The employee procuring materials and/or services under an emergency situation must seek competition by informal solicitation of quotes or otherwise to the extent practicable under the circumstances. All emergency situation procurements must be later supported by written memorandum to the file indicating the cause and possible effect of the emergency; the solution to the emergency which will be resolved by obtaining materials and/or services under the guise of an emergency situation; and details regarding each of the informal solicitations made and the reasoning for the selection of vendor providing the Authority with the procurement materials and/or services. Emergency purchases which require the expenditure of more than \$500 must be approved by the Executive Director and are subject to review by the Board thereafter.

### Sole Source

The Authority recognizes that it is not required under Section 103 of the General Municipal Law to seek procurement through competitive **bidding for materials** and/or **services** which **uniquely serve** the public interest for which **there is no substantial equivalent** and which **are**, in fact **available from** only once source; Procurement of this nature should occur only in very limited situations. It is imperative that the employees of the Authority at all times act in good faith and without intent to arbitrarily inhibit or restrict competition. All procurements considered sole source products and/or services must be supported by documentation which supports that a particular patented item is required in the best interest public and that it is further determined that these products and/or services are available from one source so that no possibility of competition exists. This documentation may take the form of literature provided



by the sole source provider and the memorandums written to file supporting the decision making process of a sole source procurement. Documentation should include, among other things: A) the unique benefits of the item as compared to other items available in the market place; B) that no other item provides substantially equivalent or similar benefits; C) consideration that the cost of these products or services is reasonable considering the benefits received; and D) that there is no possibility of competition for the procurement of these goods and/or services. Notwithstanding for foregoing, all sole source purchases shall be reviewed and approved by the Executive Director and passed by resolution of the Board prior to any purchases.

#### Secondhand Equipment from Other Government

The purchase of surplus and secondhand supplies, materials or equipment from Federal or State government, or any other political subdivision without competitive bidding is allowed provided that the procurement is A) appropriated in the Board approved operating plan (budget) and/or capital plan; B) is proven to be the best interest of the public; is analyzed to show that this same secondhand equipment has a reasonable future life expectancy in order to provide the Authority with cost efficiencies.

#### True Leases

True lease agreements are neither purchases for public work and are therefore not subject to competitive bidding requirements according to General Municipal Law 1.03. Prior to entering into any true lease agreements it is the Authority policy that the employee prepares a cost benefit analysis comparing the true lease agreement to that of a purchase contract or contract for public work. This analysis should include both negative and positive aspects of the true lease agreement and be prepared in writing and in such form as to provide presentation and answers to the Board of Directors. A true lease agreement is one which title to any assets associated with a proposed procurement does not change hands. A true lease reflects a rental expense and does not include an available purchase agreement option at any point in time during the existence of the lease agreement. For example, a pick-up truck obtained under a lease agreement for sixty months with a purchase option of \$1 at the end of the sixty month period is not considered a true lease but rather a purchase.

#### Professional Services

Professional Services are not contracts for public work and therefore are not subject to competitive bidding thresholds or requirements. The determination of whether the professional services exception is applicable should be made on a case by case basis with written documentation examining the particular services to be acquired maintained on file. As a general rule, professional services involve an area of specialized expertise, often times not currently available at the Authority, uses professional judgment and a high level of creativity. Most cases require professional services to be designated to be performed by particular individuals. Typical professional service contracts will include, but not be limited to, engineers, architects, construction managers, attorneys, accountants, and physicians. All professional services should be procured by prepared contracts with detailed specifications as to the expectations of this Authority. Within these specifications there should be included and detailed listing of agreeable and reasonable fees corresponding to each experience level of professional service contracted. All professional service contracts must be approved by resolution of the Board.

#### Standardization Resolutions

All standardization resolutions passed by the Board resulting from the need to standardize purchase contracts for a particular type of kind of equipment, materials or supplies must be supported by documentation which

provides a full explanation of the reasons for its adoption. The management of the Authority must be prepared to show objective facts that efficiency or economy would be served and that the standardization resolution is proven to be in the best interest of the public

### Petty Cash

A Petty Cash fund is available for small purchases such as postage, payment of certain delivery charges, the purchase of minor items and emergency cash when payment is required. The purchase of minor items would normally include purchases of \$250 or less which cannot be purchased from an authorized open purchase vendor or from a source that is willing to accept an Authority purchase order. It is expected that all expenditures made from the petty cash fund be supported by a receipt. Petty cash which could not be supported by a receipt will only be reimbursed with the authorization of the Executive Director. The petty cash fund is prohibited from cashing any personal checks.

### AWARDS TO OTHER THAN THE LOWEST RESPONSIBLE OFFERER

It is the policy of the Authority generally to award bids for procurement to the lowest responsible bidder offered for materials and/or services. The Authority recognizes that occasionally the lowest bidder is not necessarily the best provider of materials and/or services. For every occurrence which the Authority does not select the lowest bidder for the procurement of materials and/or services it is the policy of the Authority to provide very specific documentation as to the determination to pass by a lowest cost bidder. This documentation must be retained on file with the bid tabulations and other audit materials associated with the procurement of these materials and/or services. In the event that the Board of Directors selects someone other than the lowest bidder it is the policy of the Authority to state this choice publicly along with reasoning as to its selection.

### BID OPENING PROCEDURE

**The following procedure shall be adhered to regarding the opening of all sealed bids.**

#### Receipt of Bids:

Bids shall be delivered in person by a representative of the bidder or by mail to the Nassau County Bridge Authority, attention Executive Director.

The Administrative Assistant shall record all bids received on the "Bid Receipt and Bid Opening Attendance Sheet" with the following information:

- Contractor's name
- The date in which the bid was received
- The time in which the bid was received
- Whether the bid was delivered in person, mail, or express mail
- Initial the sheet indicating receiving the bid

The Administrative Assistant should, upon receipt of bid, check the package to assure that it is sealed:

If the bid is not sealed, and was hand delivered by the contractor or vendor, it should be returned to the same so they can seal it.

If the bid is not sealed and was received by mail or express mail the Administrative Assistant should seal the bid immediately and mark that it was not sealed on the "Bid Receipt and Bid Opening Attendance Sheet"

The bid shall be placed in the safe maintained by the Executive Director until the day and time of the bid opening.

No bids are accepted after the time of the bid opening on the date specified in the public notice placed in the newspaper.

### Bid Opening

Bid openings are to be held at the time and date specified in the public notice placed in the newspaper.

The bid opening must be attended by a minimum of the Executive Director, Administrative Assistant and other employees.

Bidders are allowed to attend the bid opening.

All attendees of the bid opening must sign in on the "Bid Receipt and Bid Opening Attendance Sheet".

The responsibilities of the required attendees at the bid opening are:

The Executive Director shall open and read publicly the bid prices.

The Executive Director and the Authority employee responsible for the project shall record the bids in non-erasable ink on the "Bid Tabulation Sheet".

The third employee present at the opening has no other responsibility other than to monitor the entire bid opening process for conformity to this bid opening policy.

Bids are opened and the results shall be recorded on the "Bid Tabulation Sheet" as specified above.

The Bid Opener should indicate, and the bid recorder should indicate if a bid bond or certified check is included, and if any exceptions are included.

The recorder of the bids shall sign and date the "Bid Tabulation Sheet" on the line marked prepared by.

In the event that a single bid is received, the following steps should be followed:

The Administrative Assistant should contact, by telephone or follow up correspondence, all non-responding bidders who previously picked up the bid specification package, to ascertain why they did not respond to the bid.

The Executive Director and the Authority employee responsible for the project should evaluate the bid price against the original estimate for the project to see if it falls within a reasonable range of the estimated cost.

The Executive Director should evaluate other, non monetary issues received within the bid package in order to assure that the project can be performed or goods received within the time frame, etc.

The Executive Director and Authority employee responsible for the project should determine that, upon receipt of only one bid or insufficient bid packages, whether or not the Authority should re-bid this project. Consideration must be given to the timing of a project falling into the peak demand season.

Bids initially checked for accuracy by the independent Authority employee present at the bid opening. This individual should take all opened bids and the "Bid Tabulation Sheet" and review this information against the actual bid documents. An arithmetic check of the contractor or vendor's bid value for total cost shall be performed. All corrections found by this independent review should be duly noted and initialed on the "Bid Tabulation Sheet". The independent and objective Authority employee should then sign and date the "Bid Tabulation Sheet".

The Authority employee responsible for the project should then repeat the previously described process for confirmation of the information included on the "Bid Tabulation Sheet".

### **MEMO TO THE BOARD OF DIRECTORS**

Upon completion of the bid opening process the Executive Director shall prepare a memorandum to the Board, summarizing the entire process and making a recommendation to the Board for their consideration. This memorandum should include the following information:

Project title

Job number/work order number

Number of bids received for the project

Summary of the bid received

Original estimate(s) for the project'

Amounts included in the Board approved operating plan and/or capital plan.

Reasons for discrepancy between bid and original estimates, if applicable

Statement regarding contractor or vendor qualifications

Recommended contractor or vendor

Recommended award amount

No increases to said accepted written proposal in excess of 5% shall be authorized without written authorization by the Board.

**Annual Review**

The Board approved outside auditor shall conduct an annual review of the procurement policy as well as an internal control review to ensure compliance with the procurement policy set forth.

**UNINTENTIONAL FAILURE TO COMPLY**

The unintentional failure to fully comply with the provisions of the General Municipal Law shall not be grounds for void action taken by the Authority to give rise to a cause of action against the Authority or any officer or employee thereof.

**Chairman**  
Samuel Nahmias

**Vice Chairman**  
Vincent Pasqua



**Commissioners**  
Monica McGrath  
Arnold D. Palleschi  
Anthony Licatesi

**PROCUREMENT CHECKLIST TO BE ATTACHED TO PURCHASE DOCUMENTATION. CIRCLE AND INITIAL THE LEVEL AND METHOD OF PROCUREMENT.**

**Does the Purchase or Public Work Cost \$2,500 or less? If Yes, include:**

E-Mail to Executive Director Requesting Authorization for Purchase

**Does the Purchase or Public Work Cost Between \$2,501 and \$10,000? If Yes, include:**

E-Mail to Executive Director Requesting Authorization for Purchase

Three Written Quotes for the Purchase or Public Work

**PURCHASE OF GOODS**

**Does the PURCHASE OF GOODS Cost Between \$10,001 and \$20,000? If Yes, include:**

E-mail to Executive Director Requesting Authorization for Purchase

Three Written Quotes for the Purchase of Goods

Time, Date, Member and Method of Notification and Approval of NCBA Board of Commissioners Member

**Does the PURCHASE OF GOODS Cost Exceed \$20,000?: If Yes:**

Conduct a Sealed Request for Proposal Under the Directions Provided in Procurement Policy

**PUBLIC WORKS OR CONSTRUCTION CONTRACT**

**Does the PUBLIC WORKS OR CONSTRUCTION CONTRACT Cost Between \$10,001 and \$35,000? If Yes, include:**

E-mail to Executive Director Requesting Authorization for Purchase

Three Written Quotes for the Purchase of Goods

Time, Date, Member and Method of Notification and Approval of NCBA Board of Commissioners Member

**Does the PURCHASE OF GOODS Cost Exceed \$35,000? If Yes:**

Conduct a Sealed Request for Proposal Under the Directions Provided in Procurement Policy

**Chairman**  
Samuel Nahmias

**Vice Chairman**  
Vincent Pasqua



**Commissioners**  
Monica McGrath  
Arnold D. Palleschi  
Anthony Licatesi

**Nassau County Bridge Authority**

160 Beach 2<sup>nd</sup> Street  
Lawrence, N.Y. 11559-0341  
516-239-6900  
Fax 516-239-6856

**Nassau County Bridge Authority  
Re-Training and Skills Development Program**

As we begin the planning to transition to a completely new toll plaza, we are presented with a unique opportunity to re-train and develop necessary skills for our staff to utilize here at the Bridge.

We expect the need for toll collectors to decline, we have the opportunity to re-train our staff in the skills that will make the future Bridge Authority stronger and more resilient in an information economy.

As such, NCBA Management is proposing a pilot program to reimburse employees up to \$5,000 each to gain skills, education and certification in necessary, critical skills that will advance the Authority mission.

Those skills include, accounting, data science and management, web development and design, computer networking, customer service, welding, electrical systems, plumbing systems, auto repair, and others.

The way the system will work is, the employee will submit a Course approval form, which will be evaluated to determine if completion of the course will advance the Authority mission. Once approved, the employee can register for the course.

Upon completion, they will submit their transcript, certificate of completion and paid invoice, at which time they will be reimbursed.

Each employee will be budgeted up to \$5,000, although we do not anticipate every employee to take advantage of the program. In such an event, employees who have already maximized their benefit can apply to take additional needed classes, up to the program's budget of \$100,000.

