

Financial Policies and Procedures

Wayne County Regional Land Bank Corporation

Effective December 14, 2023

Section I. Accounting and Financial Management

Section II. Equipment and Inventory Control

Section III. Purchasing and Procurement

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Introduction

The Wayne County Regional Land Bank (WCRLB) is committed to following all regulations applicable to all federal awards:

- Uniform Administrative Requirements: 2 CFR 200 and 1500
- Cost Principles: 2CFR 200 Subpart E
- Federal Funding Accountability and Transparency Act (FFATA) reporting: 2 CFR Part 170
- Disadvantaged Business Enterprises (DBE) Requirements: 40 CFR Part 33
- Audit Requirements: 2 CFR 200 Subpart F (\$750,000+ threshold)

Below are general statements, policies, and procedures that the WCRLB has implemented and will maintain for all funding opportunities, including federal and State awards, to ensure that funding sources can have confidence in the WCRLB as it relates to accounting, financial management, internal controls, payroll, travel, procurement and record-keeping.

Section I. Accounting and Financial Management

Overview

The Wayne County Regional Land Bank (WCRLB) operates on a calendar year basis and currently uses Microsoft Excel for our accounting system. Our system allows for effective tracking of costs down to the project level, as required for federal and State funded grants and projects.

The WCRLB has established and will maintain proper controls to assure that the organization's accounting policies, procedures and practices are and will remain consistent with generally accepted accounting principles (GAAP). The WCRLB will follow all cost principles and procedures specified in CFR 200. The WCRLB has and will continue to have an annual independent audit to verify consistency with such principles and standards.

The WCRLB uses an accounting firm to prepare our annual financial statements, to complete our IRS 990, to complete our IRS 1099 forms, and to review all of our bookkeeping and financial practices to assure we operate in compliance with all appropriate financial standards, practices and recommendations.

The WCRLB is lead and administered by an Executive Director and Deputy Director.

The WCRLB is overseen by a nine member Board of Directors that includes a Chairperson, Vice Chairperson and Treasurer.

The WCRLB's financial management system tracks revenues and expenditures and provides financial data separately for each funded grant or project.

For each grant, the WCRLB will maintain records that allow for a comparison of expenditures with approved budget amounts.

Responsibility

The Executive Director and Deputy Director of the WCRLB are responsible for reviewing, approving, and signing assistance agreement applications, awards, and amendments.

The Executive Director and Deputy Director are responsible for monitoring, administering, and overseeing assistance agreements once received from the awarding agency.

Financial System

The WCRLB's financial management system tracks revenues and expenditures and provides financial results separately for each assistance agreement project. Each funding source and application of funds is identified and maintained with records that show obligations, unobligated balances, assets, outlays, income, and interest (when applicable). The financial management system reports and allows a comparison of outlays to budgeted amounts for each assistance agreement award.

Expenditures for each grant, loan, or contract are recorded according to the budget categories for that funding source. For each funding award, WCRLB maintains records that allow for a comparison of outlays with approved budget amounts.

The WCRLB maintains source documentation to support all entries into our financial system. Source documentation includes: approved vouchers, invoices, receipts, bank statements, copies of checks and cancelled checks.

Reasonable, Allocable, and Allowable

The WCRLB has adequate review process in place to ensure that costs claimed and billed on grants and contracts are allowable, allocable, and reasonable, as per grant or project requirements and appropriate rules and regulations. Expenses are charged directly to programs when specific identification is required. The Executive Director, in conjunction with the Deputy Director, will determine if these expenses are reasonable, allocable, and in the case of funding from a federal agency, allowable in accordance with CFR 200.302.

Before paying an invoice, WCRLB will ensure that costs are:

- Consistent with the project budget approved by the awarding agency.
- Not being counted as cost sharing or matching on another federal grant award.
- Consistent with policies and procedures that apply uniformly to activities, whether federally sponsored or not.
- Adequately documented with supporting source documents.

No cost allocable to a particular award or other cost objective will be shifted to other awards to overcome funding deficiencies, or to avoid restrictions imposed by law or by the terms of any award of funds.

WCRLB will ensure that costs are **Reasonable**, by confirming that:

- The costs do not exceed what a prudent person would pay under the circumstances.
- The costs are generally recognized as an ordinary and necessary expense for the type of project being conducted.
- Costs reflect market prices for comparable goods or services for the geographical area.
- Costs are consistent with the organization's established practices, procedures, and/or policies for incurring such an expense.

WCRLB will ensure costs are **Allowable**, by confirming that they are:

- Not excluded by the Uniform Guidance.
- Not excluded by the federal agency that funded the grant award.
- Not excluded by the funding program or by the terms of the grant award.
- Not unallowable costs such as alcohol, entertainment and other unallowable costs as prescribed by 2 CFR 200 Subpart E.

WCRLB will ensure costs are **Allocable**, by confirming:

- It is incurred specifically for the project to which it is being charged.

- It clearly benefits the project and must be treated consistently in like circumstances.
- It is divided across projects in a manner that reflects the proportional benefit in situations where the cost benefits two or more projects.
- It is not being applied to use up surplus funds or to avoid a deficit on another sponsored project.

Procedure for Drawing Funds and Issuing Payments

The WCRLB requests reimbursement at least quarterly, but is prepared to do so more frequently if the funding source requires more frequent requests. The draw down process is performed by the Deputy Director. For State and federal grants and contracts, all funds are drawn down on a reimbursement basis (i.e., State and federal funds are not drawn down until they have been spent). The organization complies with State and federal provisions for minimizing the time elapsing between the drawdown of funds and disbursement by operating its State and federal grant awards on a reimbursement basis. However, if an advance drawdown is made, the timeframe between receipt and disbursement of funds will be no more than five (5) business days from receipt of funds.

Prior to conducting a reimbursement request and subsequent drawdown, a report is generated using Excel to show a comparison of revenues to expenses to date for each State and federal grant. The Deputy Director will conduct an analysis of budget to actual expenses and a summary of funds drawn to date prior to drawing down funds. The analysis spreadsheet is organized by individual grant index, granting agency and the grand total of all federal grant funds to be drawn down. State and Federal grant funds are received from each granting agency via wire transfer. The Deputy Director and Executive Director are authorized to request payments from the federal or State government for grant awards. The Deputy Director prepares reimbursement requests/invoices and supporting documentation in accordance with the associated grant and contract requirements, ensuring that all expenses submitted for reimbursement are reasonable, allowable, allocable, and accurate. The Executive Director reviews all invoices and payment requests and verifies that the requests and payments requests are accurate. Supporting documents are required to complete a reimbursement request and subsequent drawdown of funds and for issuing payments and are retained. Supporting documentation for expenses may include staff timesheets, invoices, receipts, and mileage and expense reimbursement forms with associated approvals. After the drawdown request has been finalized, the completed reimbursement request is used to allocate the funds when we receive them.

-Automated Standard Application for Payments (ASAP) System

Payment from Federal Funding Grant and Contract Awards are issued through ASAP, a payment system administered by the Federal Treasury Department. Access to ASAP is initiated by the Federal Agency at the time of the grant/contract award, and then WCRLB is responsible for managing access and permissions and maintaining banking relationships.

The Executive Director has been authorized as the Head of the Organization and has the authority to draw and transfer funds. The Deputy Director will be responsible for providing the Executive Director with a monthly accounting report of expenditures made,

and the Executive Director will draw funds according to this report. Costs should be reviewed for allowability, allocability and reasonableness and all supported. Reimbursement of expenses incurred will be the preferred method of drawing funds from Federal Grants.

If the Executive Director deems an advance payment to be necessary, it will be done as close to the date of disbursement as possible but no more than five days prior. Furthermore, funds will not be withheld from Vendors or create any unnecessary delays. Payments may be reasonably withheld for the following reasons:

- Failure to comply with program objectives, terms and conditions of the contract or award, or compliance with Federal, State or Local laws and regulations (including 2cfr200).
- The entity is in debt to the Federal Government and named as debarred contractor.

Procedure for Grant Reporting

The WCRLB Executive Director or, in the absence of the Executive Director, the Deputy Director prepare and submit Interim/Final Financial Status Reports, including SF-425 for federal funds, as required, at least annually for all federal funding sources. The organization monitors and provides project, program, and financial performance reports to the awarding agency.

The Executive Director will review funder grant documentation to determine frequency and format of technical reports. The Executive Director will coordinate the preparation of the required reports with appropriate staff to ensure timely submittal.

The WCRLB will maintain adequate process to ensure that expenses presented for grant and project reimbursement are allowable, allocable, reasonable, as per federal and State grant and contract requirements. Costs expressly unallowable for federally or State funded grants and projects are excluded from grant and project reimbursement requests.

The WCRLB process is to have all invoices reviewed independently by both the Executive Director and Deputy Director. Invoices are reviewed to determine if they are allowable and allocable to the particular funding they will be allocated to. In addition, expenses are reviewed to assure the amount and scope of the work is consistent with the project budget, funding contract or procurement specifications. Once the expense is determined to be allowable, allocable and reasonable, the WCRLB will pay the expense per our Internal Control Policy (See policy below) and include in a reimbursement request from the funding agency.

No expense that is not allowable, not allocable, or unreasonable will be paid by the WCRLB, nor will it be submitted for reimbursement from the funding source.

WCRLB Internal Control Policy

The following outlines the policy and procedures used by the WCRLB to ensure financial controls.

All invoices are reviewed by the Deputy Director and Executive Director.

After review by the Deputy Director and Executive Director, either the Deputy Director or Executive Director prepares, signs, and attaches a voucher to the invoice for payment. This voucher details the payee, expense account description, project description, expense class type with which the payment is affiliated, and amount to be paid.

The vouchers are signed by the Executive Director or Deputy Director and presented to the Board of Directors for review and consideration at least monthly at the WCRLB monthly meeting.

Signatures of three Board of Directors are required prior to payment of any invoice.

The final step in the process to pay invoices is for the Chairperson of the Board of Directors, Treasurer, or other Board approved signor, to sign the check for payment.

Internal transfers between accounts for routine cash management may be processed by any signatories on the applicable account. Any withdrawals made in person requiring a withdrawal slip shall be authorized by two signatories on the applicable account.

Bank statements are reviewed by the Deputy Director, Executive Director, and Treasurer.

WCRLB staff and the Treasurer shall have online viewing rights to all WCRLB bank accounts in order to monitor transaction activity on a daily basis for the purposes of fraud-prevention and to reconcile accounts in a timely manner.

All bank accounts shall be reconciled on a monthly basis by the Deputy Director and reviewed by the Executive Director and the Treasurer. A summary of account activity will be provided to the Board of Directors at their monthly meetings for approval. This will include a listing of all WCRLB account balances.

Financial ledgers are available for inspection by the Treasurer, the annual external independent auditor, as well as any member of the Board of Directors.

The WCRLB will maintain adequate process to ensure that expenses presented for grant and project reimbursement are allowable, allocable, reasonable, as per federal and State grant and contract requirements. Costs expressly unallowable for federal or State funded grants and projects are excluded from grant and project reimbursement requests.

The process is to have all invoices reviewed independently by both the Executive Director and Deputy Director. Invoices are reviewed to determine if they are allowable, allocable, and reasonable to the particular funding source they will be allocated to. In addition, expenses are reviewed to ensure the amount and scope of the work is consistent with the project budget, funding contract or procurement specifications. Once the expense is determined to be allowable, allocable and reasonable, the WCRLB will pay the expense and include in a reimbursement request from the funding agency.

No expense that is not allowable, not allocable, or unreasonable will be paid by the WCRLB, nor will it be submitted for reimbursement from the funding source.

Record Retention

Record keeping and document retention are essential to an organization. Proper documentation is necessary to corroborate the existence of assets and liabilities, occurrence of business transactions, and completion of contractual obligations.

WCRLB ensures that necessary records and documents are protected and maintained as prescribed by appropriate federal and State laws, regulations, and contractual agreements.

WCRLB shall maintain procurement records that include the following, at a minimum:

1. Basis for contractor selection
2. Justification for lack of competitive bids
3. Basis for award cost or price

WCRLB shall maintain all procurement records, documents, correspondence, etc. regardless of the dollar amount for each project and the file(s) for each project should be easily accessible to WCRLB employees as well as any federally authorized representative. Records will be retained for a length of time that satisfies the fund agreement terms, or a length of seven years following the completion of the project.

External Audit

The WCRLB has an A-133 Audit conducted annually.

Within 15 days of the fiscal year end (December 31), Deputy Director will have completed entry of all invoices, purchases, payroll and related receipts and data into Excel to close the fiscal year. The Deputy Director will begin preparation of all financial documents for audit review and preparation of WCRLB 1099s and Financial Statements. WCRLB will arrange for the preparation of 1099s, preparation of Financial Statements, completion of the A-133 audit and 990 Federal Tax Return to be completed by an independent accounting firm selected by the WCRLB Board, will be required to communicate with the WCRLB Executive Director, Deputy Director and Finance Committee to provide updates on the process and completion of the 1099s, financial Statements and audit. Members of the Finance Committee are authorized to initiate communication directly with the independent accounting firm. Audited Financial Statements, including the auditor's opinion thereon, will be submitted to the WCRLB Board of Directors by the independent accounting firm within 90 days of year end; providing all members of the Board of Directors opportunity to make inquiries of the independent auditor.

Updating Information in the System for Award Management

Annual updating of information in SAM is required by an assigned due date annually to receive Federal Grants. This reporting enables informed decisions about whether vendors and/or contractors will be engaged for work under the grant award. Registration in SAM enables non-federal entities to be able to bid on federal contracts or other procurement opportunities. It also allows non-federal entities, such as the WCRLB, to be able to apply for grants, loans, and other financial assistance programs.

To maintain SAM compliance, the Executive Director will register and update organization in the SAM portal as required by the federal grant agreements. At least annually, or as required by SAM, the Executive Director will submit financial information through the SAM.gov portal.

The annual update process is:

- 1) Go to the homepage: www.sam.gov.
- 2) Login to the website. Do not skip this step as it is not possible to renew without this step being completed. The SAM.gov system requires user verification before allowing access to the renewal functionality. Log in prior to attempting to renew by entering the username and password for the WCRLB Entity Administrator, the Director, associated with the entity registration. Once you have access, click “Log In” button.
- 3) Select “Entity Registrations” on the left side of the screen.
- 4) Click “Existing Entity Registrations” to view the registrations the WCRLB has access to.
- 5) Select the entity record that you want to update from the Entity List box and click the “Update” button to begin the annual renewal.

Sub-recipients

If for any reason WCRLB utilizes sub-recipients, we understand that Prime Grant Recipients awarded a new federal grant greater than or equal to \$30,000 are subject to FFATA/FSRS sub-award reporting requirements as outlined in the Office of Management and Budgets guidance. The WCRLB (when applicable) will complete an FFATA sub-award report by the end of the month following the month in which the WCRLB awards any sub-award greater than or equal to \$30,000 (FSRS.gov).

Helpful Procedures and information:

FSRS Reporting System: <https://fsrs.gov/>

Awardee User Guide: https://www.fsrs.gov/documents/fsrs_Awardee_User_Guide.pdf

Section II. Equipment and Inventory Control

WCRLB Policy for Equipment Purchased under Federal Contract or Award

Equipment Purchases

Capital Equipment as defined by the Federal Office of Management and Budget is “tangible nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.” All capital assets are recorded at historical cost as of the date acquired. Invoices substantiating the acquisition cost of each unit of property shall be retained for a minimum of three years. All Fixed Assets purchased under a Federal Contract or Award, shall:

- Be tracked according to serial number, description, purchase date, cost, use/location and condition of equipment and identification that the equipment is Federal property.
- Be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the non-Federal entity must not encumber the property without prior approval of the Federal awarding agency.
- Perform an inventory of all equipment at least every two years, but preferably annually.
- Be physically safeguarded and protected against loss, theft, and damage to the extent possible. Any loss, damage, or theft discovered during a site visit will be investigated and documented. If equipment titled to the federal government suffers loss, damage, or theft, we must notify the federal awarding agency immediately.
- Follow all Federal requirements for disposition of property.

Equipment Records

The Executive Director maintains equipment records for all grant-funded equipment.

These records include:

- A description of the equipment
- Manufacturer’s serial number, model number, or other identification number
- Source of the equipment, including the federal grant award number
- Owner of the property (federal government or the organization)
- Acquisition date or date received
- Cost of equipment
- Details indicating the percentage of federal participation in the cost of the equipment
- Location of equipment and date reported
- Condition of equipment and date reported
- Unit acquisition cost
- Date of disposal (if applicable)
- Disposal price (if applicable)
- The method used to determine fair market value for disposal price (if applicable)

Equipment Disposal

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the WCRLB must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

- 1) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further responsibility to the Federal awarding agency.
- 2) Except as provided in § 200.312(b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair market value in excess of \$5,000 may be retained by the WCRLB or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the WCRLB entity to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
- 3) The WCRLB may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the WCRLB must be entitled to compensation for its attributable percentage of the current fair market value of the property.

Section III. Purchasing and Procurement

General Procedures

All procurement transactions must be conducted in a manner to provide, to the maximum extent practical, open, and free competition. The WCRLB shall avoid purchasing unnecessary items. All contractor bids, proposals, and quotes must be evaluated on the basis of product quality, technical compliance with specifications, total cost, and the contractor's acceptance of terms and conditions of the contract.

General procedures pertaining to WCRLB procurements in accordance to these provisions are as follows:

1. WCRLB will avoid purchasing unnecessary or duplicated items.
2. WCRLB will maintain oversight over contractors and/or sub recipients to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
3. WCRLB staff must ensure that goods and services are received, approved, and acceptable prior to any payment to a contractor.
4. WCRLB will not impose state, local or tribal geographical preferences in the evaluation of bids or proposals. Geographic location may be a selection criterion in the procurement process, provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
5. Where appropriate, WCRLB will conduct an analysis of lease and purchase alternatives to determine which would be the most economical and practical procurement for WCRLB.
6. Solicitations for goods and services shall provide for the following, when applicable:
 - a. A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition.
 - b. Requirements which the bidder must fulfill and all other factors to be used in evaluating bids or proposals.
 - c. A description, whenever practical, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
 - d. The specific features of "brand name or equal", or approved equal; will provide clear descriptions that bidders are required to meet when such items are included in the solicitation.
 - e. To the extent practical and economically feasible, products and services dimensioned in the metric system of measurement will be accepted.

- f. To the extent practical and economically feasible, products and services that conserve natural resources and protect the environment and are energy efficient are preferred.
- g. Whenever possible, positive efforts shall be made by WCRLB to utilize small businesses, minority-owned firms, and women's business enterprises. WCRLB shall take all of the following steps to further this goal:
 - i. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
 - ii. Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
 - iii. Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.
- h. The type of procuring instruments used shall be determined by WCRLB but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved.
- i. Contracts shall be made only with responsible contractors. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to necessary resources.
- j. WCRLB shall, upon request make available for EPA or any other authorized Government agency, any procurement document, upon authorized request for the period stated in the agreement.

Cost and Price Analysis

WCRLB shall conduct some form of cost or price analysis and document the file in connection with procurement actions. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

Profit, administrative costs, and overhead associated with the project must be evaluated separately, giving consideration to the complexity of the work to be performed, the risk borne to the contractor, and other such factors that would influence the cost.

Davis-Bacon Act

Davis Bacon wages are required whenever federal funds are being used unless a written exclusion from the granting agency for a specific award is received.

If WCRLB has any agreements, sub-agreements, or loans that involve federally funded construction, alteration, or repair contracts over \$2,000, the contracts or agreements will contain the required clauses for complying with Davis-Bacon Act wage rates, reporting requirements and include a wage rate determination from the Department of Labor at <https://beta.sam.gov/>.

WCRLB Procurement Policy

SECTION 1. PURPOSE AND AUTHORITY.

The purpose of this document is to outline the procurement policy (the "Policy") of the Wayne County Regional Land Bank Corporation (the "Land Bank") applicable to the procurement of goods and services paid for by the Land Bank for its own use and benefit in accordance with New York Public Authorities Law §2824(1)(d). This Policy is intended to assure the prudent and economic use of the Land Bank's funds, 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.

SECTION 2. DEFINITIONS.

As used herein, the following terms shall have the meaning set forth below.

- a. "Land Bank" shall mean the Wayne County Regional Land Bank Corporation.
- b. "Board" shall mean the Board of Directors of the Land Bank.
- c. "Chairman" shall mean the Chairman of the Board.
- d. "Executive Director" shall mean the Executive Director of the Land Bank.
- e. "Deputy Director" shall mean the Deputy Director of the Land Bank
- f. "Executive Law" shall mean the New York State Executive Law as amended from time to time.
- g. "Services" shall mean any services performed for the Land Bank for a fee or other compensation, including legal, accounting, management consulting, investment banking, financial custody, investment management, construction management, construction, repair, planning, training, statistical, research, public relations, architectural, engineering, surveying or other consulting, professional or technical services. Services shall not include any services performed for the Land Bank by its employees within the scope of their employment responsibilities.
- h. "Procurement Contract" shall mean any agreement for the acquisition of goods or Services.
- i. "Outside Contractor" shall mean a person, firm, sole proprietor, partnership, company or corporation performing Services for the Land Bank pursuant to a written agreement.
- j. "MWBE Division" shall mean the division of minority and women's business development in the New York State Department of Economic Development.
- k. "MWBE Threshold Contract" shall mean:

1) a written agreement or purchase order instrument, providing for a total expenditure in excess of twenty-five thousand dollars (\$25,000.00), whereby the Land Bank is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials, or any combination of the foregoing to be performed for, or rendered or furnished to the Land Bank or;

2) a written agreement in excess of one-hundred thousand dollars (\$100,000.00) whereby the Land Bank is committed to expend or does expend funds for construction, demolition, replacement, major repair or renovation of real property and improvements thereon. Solely for the purpose of providing the opportunity for participation by certified businesses in the performance of MWBE Threshold Contracts, MWBE Threshold Contracts shall also include leases of real property by the Land Bank to a lessee where: the terms of such leases provide for the construction, demolition, replacement, major repair or renovation of real property and improvements thereon by such lessee; and the cost of such construction, demolition, replacement, major repair or renovation of real property and improvements thereon shall exceed the sum of one hundred thousand dollars (\$100,000.00).

k. "Minority-Owned Business Enterprise" shall have the same meaning herein as is set forth in Executive Law § 310(7).

l. "Women-Owned Business Enterprise" shall have the same meaning herein as is set forth in Executive Law § 310(15).

SECTION 3. DOCUMENTATION AND RECORD RETENTION

Action taken in connection with each procurement must be supported by documentation. When an award is made to other than to the lowest responsible offeror, the determination to make the award must be supported by documentation that justifies the award and sets forth the reasons why the award furthers the purposes of this Policy.

The Land Bank shall retain records in accordance with accepted standards and requirements for historical reference or to comply with contractual or legal requirements.

In accordance with 18 U.S.C Section 1519 and the Sarbanes Oxley Act, the Land Bank shall not knowingly destroy a document with the intent to obstruct or influence an "investigation or proper administration of any matter within the jurisdiction of the agency of the United States...or in relation to or contemplation of such matter or case." If an official investigation is underway or even suspected, document purging must stop to avoid criminal obstruction.

WCRLB ensures that necessary records and documents are protected and maintained as prescribed by appropriate federal and State laws, regulations, and contractual agreements.

WCRLB shall maintain procurement records that include the following, at a minimum:

4. Basis for contractor selection
5. Justification for lack of competitive bids
6. Basis for award cost or price

WCRLB shall maintain all procurement records, documents, correspondence, etc. regardless of the dollar amount for each project and the file(s) for each project should be easily accessible to

WCRLB employees as well as any federally authorized representative. Records will be retained for a length of time that satisfies the fund agreement terms, or a length of seven years following the completion of the project.

SECTION 4. INDIVIDUALS RESPONSIBLE FOR PURCHASING

The Executive Director and Deputy Director of the Land Bank are responsible for purchasing goods and services on behalf of the Land Bank.

SECTION 5. SERVICE CONTRACTS

a. Use of Outside Contractors.

The Land Bank may engage Outside Contractors to perform Services only if the Executive Director has determined that it is appropriate to do so. In making such a determination, the following factors shall be considered:

- 1) the amount of time likely to be required in performing the services;
- 2) the degree of special skill likely to be required in performing the services;
- 3) the availability of employees of the Land Bank possessing the skills needed to perform the services;
- 4) the likely expense of training employees of the Land Bank to perform the services, and the likely future benefits to the Land Bank of such training;
- 5) the availability of Outside Contractors and the likely expense of using Outside Contractors;
- 6) the requirement that the services be rendered by an independent professional, as in the case of auditors' opinions or legal opinions;
- 7) the effect of use of Outside Contractors on other agreements and operations of the Land Bank;
- 8) the extent to which the Land Bank has successfully used Outside Contractors in the past for the services to be performed; and
- 9) the need to assure that the Land Bank conducts its operations in the most effective and efficient manner.

b. Selection of Outside Contractors.

Selection of Outside Contractors shall be made on a competitive basis, except where:

- 1) The total value of the Procurement Contract is not likely to exceed \$6,000;
- 2) The Executive Director determines that (a) the need to obtain high quality services or services having unique or extraordinary features or time requirements substantially outweighs possible cost savings from selection on a competitive basis, or (b) the Land

Bank has other cost control procedures to protect it from paying more for services than necessary; or

3) The Board otherwise determines that competition would be inappropriate.

c) Request for Proposals.

Where selection is made on a competitive basis for services, the Executive Director shall request detailed proposals from at least three Outside Contractors known to have experience in the type of service to be performed. When the total value of a Procurement Contract is likely to exceed \$40,000, the proposals shall be in writing and submitted in response to a Request for Proposals (“RFP”) issued by the Land Bank. Proposals shall be evaluated on the basis of all relevant factors such as the Outside Contractor's experience, reputation, technical qualifications, financial condition, past performance, size, quality and availability of staff, timely project completion, identity of supervisory personnel, possible conflicts of interest, proposed scope of work and proposed fee or commission. No single factor shall necessarily be controlling, and the Outside Contractor submitting the proposal which is most favorable on an overall basis shall be selected, except that the Executive Director may reject any or all proposals if he or she considers such action in the best interests of the Land Bank.

d. Board Approval.

The following Procurement Contracts for Services shall require approval of the Board and an annual review by the Board:

- 1) Any contract involving Services to be rendered over more than one year; and
- 2) Any contract for Services that is likely to result in total payment to the Outside Contractor in excess of \$15,000 per year.

SECTION 6. GOODS AND SERVICES

a. Method of Purchase. Selection of contracts for goods and services *other than construction contracts (see Section 7)* shall be made on a competitive basis according to the following thresholds and methods; except as otherwise set forth herein.

<u>Estimated or Actual Value</u>	<u>Method and Approvals Required</u>
\$0 - \$6,000	The Executive Director, in his or her discretion, may enter into a contract on behalf of the Land Bank without obtaining quotations or the approval of the Board.
\$6,001- \$15,000	At least three quotations/proposals, either oral or written, will be obtained. The Land Bank shall solicit such quotations utilizing sources most likely to identify the highest quality and lowest price of the particular good or service including, but not limited to, newspaper and magazine advertisements, internet searches, catalogs, chamber of commerce recommendations and the prior experience of the Land Bank. The Land Bank shall create and maintain a written or digital record of the quotations solicited and received for such purchases. The Executive

Director or, in the absence of the Executive Director, the Deputy Director may enter into a contract on behalf of the Land Bank without obtaining the approval of the Board.

\$15,001- \$40,000

At least three written quotations/proposals will be obtained. The Land Bank shall solicit such quotations utilizing sources most likely to identify the highest quality and lowest price of the particular good or service including, but not limited to, newspaper and magazine advertisements, internet searches, catalogs, chamber of commerce recommendations and the prior experience of the Land Bank. The Land Bank shall create and maintain a written or digital record of the quotations solicited and received for such purchases. Any contract entered into by the Land Bank shall be approved by the Board.

More than \$40,000

A request for proposals (RFP) or official competitive bid (Bid) issued by the Land Bank shall be required to solicit such purchases. RFPs and Bids shall be required to be advertised in the Land Bank's designated paper for at least one publication and posted on the Land Bank's website for the duration of the solicitation. Any contract entered into by the Land Bank shall be approved by the Board.

b. Number of Proposals or Quotations.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the Land Bank is unable to obtain the required number of proposals or quotations, the Land Bank will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement of the good or service.

c. Awarding Contracts.

The award of a contract for goods or such other services shall be made to the lowest priced responsible offeror, which meets the Land Bank's specifications. In assessing whether an offeror is responsible, the Land Bank should consider all relevant factors, such as the offeror's capacity and financial ability to complete the contract, past performance, experience, reliability, and integrity. Alternatively, the Land Bank may elect to award a contract based on "best value." "Best value" is defined for this purpose as a basis for awarding contracts to the offeror which optimizes quality, cost, and efficiency among responsive and responsible offerors. For purposes of best value, a responsive offeror is an offeror meeting the Land Bank's minimum specifications. In assessing best value, non-price factors may be considered. Such factors include, but are not limited to, the unique or outstanding qualifications of the offeror (including past experience with a particular issue or familiarity with Land Bank operations) and the reliability, efficiency of operation, difficulty/ease of maintenance, useful lifespan, and environmental impact of a product or practice, as applicable.

d. Documentation.

Action taken in connection with each method of procurement must be supported by documentation and kept with the procurement file.

SECTION 7. CONSTRUCTION CONTRACTS

Estimated or Actual Value

Method and Approvals Required

\$0 - \$6,000

The Executive Director, in his or her discretion, may enter into a contract on behalf of the Land Bank without obtaining quotations or the approval of the Board.

\$6,001- \$10,000

At least three quotations, either oral or written, will be obtained. The Land Bank shall solicit such quotations utilizing sources most likely to identify the highest quality and lowest price for the project. The Land Bank shall create and maintain a written or digital record of the quotations solicited and received for such purchases. The Executive Director or, in the absence of the Executive Director, the Deputy Director may enter into a contract on behalf of the Land Bank without obtaining the approval of the Board.

More than \$10,000*

Official competitive bid (Bid) issued by the Land Bank shall be required. Bids shall be required to be advertised in the Land Bank's designated paper for at least one publication and posted on the Land Bank's website for the duration of the solicitation. Award shall be made to the lowest responsive and responsible bidder. Any contract entered into by the Land Bank shall be approved by the Board.

*Notwithstanding anything to the contrary herein, pursuant to Not-For-Profit Corporation Law § 1617, the Land Bank shall not award any construction, demolition, renovation or reconstruction contract greater than \$10,000 except to the lowest bidder who, in its opinion, is qualified to perform the work required and who is responsible and reliable. The Land Bank may, however, reject any or all bids or waive any informality in a bid if it believes that the public interest will be promoted thereby. The Land Bank may reject any bid, if, in its judgment, the business and technical organization, plant, resources, financial standing, or experience of the bidder justifies such rejection in view of the work to be performed.

If WCRLB has any agreements, sub-agreements, or loans that involve federally funded construction, alteration, or repair contracts over \$2,000, the contracts or agreements will contain the required clauses for complying with Davis-Bacon Act wage rates, reporting requirements and include a wage rate determination from the Department of Labor at <https://beta.sam.gov/>.

SECTION 8. CIRCUMSTANCES WHERE SOLICITATION OF ALTERNATIVE PROPOSALS OR QUOTATIONS ARE NOT IN THE BEST INTEREST OF THE CORPORATION

a. The Land Bank is not required to solicit alternative proposals or quotations if the Executive Director or Chairman, in his or her sole discretion, determines that such solicitation is not in the best interests of the Land Bank. In the following circumstances, it

may not be in the best interests of the Land Bank to solicit alternative proposals or quotations:

1) Professional and Contracted Services.

Professional services or services requiring special or technical skill, training or expertise. The individual, company or firm must be chosen based on accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgment, integrity, continuity of service and moral worth. Furthermore, certain professional services to be provided to the Agency, e.g., legal and accounting services, impact liability issues of the Agency and its members, including securities liability in circumstances where the Agency is issuing bonds. These qualifications and the concerns of the Agency regarding its liability and the liability of its members are not necessarily found or addressed in the individual, company or firm that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Agency shall take into consideration the following guidelines: (a) whether the services are subject to state licensing or testing requirements; (b) whether substantial formal education or training and experience is a necessary prerequisite to the performance of the services.

Professional or technical services shall include but not be limited to the following: services of an attorney (including bond counsel); technical services of an engineer engaged to prepare plans, maps and estimates; architectural services, securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of Agency-owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.

2) Emergency Purchases.

In the case of an emergency, goods or services may be purchased immediately without competitive procedures. An emergency is an unanticipated occurrence beyond the control of the Land Bank that (1) threatens the life, health, safety or welfare of any person; (2) threatens the continued use or function any the Land Bank's property; or (3) is likely to cause damage to the Land Bank's property if immediate action is not taken. This section does not preclude alternate proposals, if time permits.

3) Sole Source.

When there is only one source available for the required goods or services, the contract may be awarded without competitive procedures.

4) Purchases of Second-Hand Goods.

Purchases of surplus or secondhand goods from any source may be purchased without competitive procedures. If alternate proposals were required, the Land Bank would be precluded from purchasing surplus or second-hand goods at auctions or through specific advertising sources where the best prices are usually obtained. It is also difficult to compare prices of used goods, and a lower price may indicate an older product.

5) Experimental Projects.

When the Land Bank wishes to test a new product or technology or evaluate a new source for a product or technology, the Land Bank may award a contract without competitive procedures, provided the contract is limited to the purchase of such goods or services that are necessary to conduct the experiment or test.

6) Goods or Services Under \$6,000.

The time and documentation required to purchase through this Policy may be more costly than the item itself and would therefore not be in the best interests of the Land Bank. In addition, it is not likely that such minimal contracts would be awarded based on favoritism.

7) Buy Local.

Reasonable preference will be given to making purchases locally and regionally.

b. Written Report; Board Approval.

Any decision not to solicit alternative proposals or quotations for any Procurement Contract with an estimated or actual value in excess of \$6,000 must be supported by a written report setting forth the reasons for such decision and must be approved by the Board.

SECTION 9. POLICY REVIEW

The Land Bank shall review this Policy annually, and any amendments must be approved by the Board.

SECTION 10. GENERAL REQUIREMENTS

- a. All Procurement Contracts shall be in writing and shall be executed by an authorized employee or officer of the Land Bank.
- b. Regardless of the value of the Procurement Contract, any Procurement Contract involving Services to be rendered over a period exceeding one year must be approved by resolution of the Board and reviewed annually by the Board.
- c. The form of every Procurement Contract shall be approved by the Land Bank's counsel prior to execution.
- d. Procurement Contracts which require contractors to perform services on premises owned or controlled by the Land Bank shall require proof of Workers' Compensation and proof of liability insurance naming the Land Bank as additional insured and shall provide that the Outside Contractor indemnifies the Land Bank for the negligent acts and

omissions of the Outside Contractor's employees. When appropriate and at the discretion of the Board, these contracts may further require the contractor to provide proof of environmental pollution insurance.

SECTION 11. PROMOTION OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES.

It is the goal of the Land Bank to award a fair share of Procurement Contracts to Minority-Owned Business Enterprises and Women-Owned Business Enterprises. It is also the Land Bank's goal to award Procurement Contracts to those procurement contractors who have evidenced compliance with the laws of the State of New York prohibiting discrimination in employment. The following procedures shall be followed:

- a. For all contracts for goods and Services, respondents shall be encouraged to include with their bid or RFP responses separate proposals which would demonstrate how their selection will achieve the goals of this Section.
- b. Empire State Development maintains a list of certified Minority-Owned Business Enterprises and Women-Owned Business Enterprises by name and area of expertise, and each individual responsible for soliciting bids and proposals for the Land Bank shall consult Empire State Development's list and contact appropriate Minority and Women-Owned Businesses to encourage them to submit bids or RFP responses.
- c. In selecting a bidder where a Minority-Owned Business Enterprise or Women-Owned Business Enterprise has been identified, due consideration shall be given to the goals of the Land Bank.
- d. Required Contract Provisions
 - 1) All MWBE Threshold Contracts, all documents soliciting bids or proposals for MWBE Threshold Contracts, and every subcontract between the contractor of a MWBE Threshold Contract and its subcontractors for the MWBE Threshold Contract shall contain or make reference to the provisions required by Executive Law § 312 concerning equal opportunities for minority groups and women.
 - 2) All MWBE Threshold Contracts for construction, demolition, major repair or renovation of real property and improvements thereon shall include the provisions required by Executive Law § 313 concerning minority and women owned enterprises.
 - 3) All MWBE Threshold Contracts shall include the provisions required by Executive Law § 316 and § 316-A concerning enforcement, prohibitions and violations.
- e. Copies to be provided. Pursuant to § 315(2) of the Executive Law, the Land Bank shall provide to all prospective bidders for a MWBE Threshold Contract, a current copy of the directory of certified businesses, and a copy of the regulations required pursuant to § 312 and § 313 of the Executive Law at the time bids or proposals are solicited.

f. Waivers. In compliance with Executive Law § 313(6), where it appears that a contractor cannot, after a good faith effort, comply with the minority and women owned business enterprise participation requirements set forth in a particular MWBE Threshold Contract, a contractor may file a written application with the Land Bank requesting a partial or total waiver of such requirements setting forth the reasons for such contractor's inability to meet any or all of the participation requirements together with an explanation of the efforts undertaken by the contractor to obtain the required minority and women-owned business enterprise participation. In implementing the provisions of this section, the contracting agency shall consider the number and types of minority and women- owned business enterprises located in the region in which the MWBE Threshold Contract is to be performed, the total dollar value of the MWBE Threshold Contract, the scope of work to be performed and the project size and term. If, based on such considerations, the contracting agency determines there is not a reasonable availability of contractors on the list of certified business to furnish services for the project, it shall issue a waiver of compliance to the contractor. In making such determination, the Land Bank shall first consider the availability of other business enterprises located in the region and shall thereafter consider the financial ability of Minority and Women-Owned Businesses located outside the region in which the contract is to be performed to perform the MWBE Threshold Contract.

g. Monitoring. The Land Bank shall comply with the monitoring requirements set forth in Executive Law § 315(1).

h. Reports. The Land Bank shall comply with the reporting requirements set forth in Executive Law § 315(3).

i. Goals. The Land Bank will comply with all MWBE/DBE goals and requirements as set forth by applicable funding sources. In all MWBE Threshold Contract Procurements the Land Bank shall set MWBE goals for contracts made directly or indirectly to minority and women owned business enterprises, in accordance with the findings of the 2010 disparity study, to attempt to achieve the results with regard to total annual Procurement in regards to MWBE Threshold Contracts as set forth in Executive Law § 313(1).

j. Duplication. The Land Bank shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity and whether the imposition of the requirements of this section duplicate or conflict with any such law and if duplication or conflict exists, the Land Bank shall waive the applicability of this section to the extent of such duplication or conflict.

SECTION 12. PURCHASING WITH FEDERAL AWARD FUNDS

Purchases made when procuring property or services through a federal award with federal funds follow the procurement standards under the Federal Uniform Grants Guidance. Procurement transactions maximize free and open competition. Written solicitations have a

clear scope of work, requirements and features prospective bidders must meet, a preference to conserving natural resources and the environment, and positive efforts to use small, disadvantaged and minority owned firms when possible. The organization documents the reason for the type of procurement used, the basis for contractor selection, a justification for lack of competition or sole-source procurement, and the basis for award cost and price.

Purchase requirements are based on the current federally adopted simplified acquisition thresholds (SAT). Purchases exceeding \$100,000 are subject to pre-award review by the Federal Entity to ensure procurement procedures are adequate. Special consideration is given to environmentally friendly, and energy efficient products/services (2 CFR 200.322) Quotes and bids must include specifications and qualifying characteristics considered by the vendor/contractor, including delivery and time frame, the scope of work, references, and other relevant specifications. A quote is a written statement from a vendor regarding the price for a specific good or service.

UNIFORM GUIDANCE COMPLIANCE FOR FEDERAL AWARDS- PROCUREMENT, SUSPENSION AND DEBARMENT

§ 140-16.1 Purpose

2 CFR Part 200 (subparts A-F) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards requires organizations receiving federal awards to establish and maintain effective internal controls over federal awards.

§140-16.2 General Policy Statement

The requirements for procurements using federal awards are contained in the Uniform Guidance (2 CFR Part 200, subparts A-F), program legislation, Federal awarding agency regulations, and the terms and conditions of the award.

To comply with 2 CFR Part 200 (subparts A-F), the Wayne County Land Bank (Land Bank) implements policies and procedures, including, but not limited to:

- A. The Land Bank will use its own documented procurement procedures which reflect applicable State and Public Authority laws and regulations; provided that the procurements conform to applicable federal law and Uniform Guidance. As such, Land Bank procurements related to Federal grants will be subject to Wayne County Land Bank Procurement Policy and Uniformed Guidance Requirements.
- B. Contract files will document the significant history of the procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis of contract price.
- C. The Land Bank will utilize one of the acceptable procurement methodologies and purchase thresholds detailed in Sections 6, 7, and 8 above.
- D. Procurements will provide for full and open competition as set forth in the Uniform Guidance, or the Land Bank Procurement Policy, whichever is most restrictive.
- E. No employee, officer or agent may participate in the selection, award or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee,

officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. If the financial interest is not substantial or the gift is an unsolicited item of nominal value, no further action will be taken. However, disciplinary actions will be applied for violations of such standards otherwise.

F. The Land Bank will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical procurement approach. The Land Bank will also analyze other means, as described in §200.318 of the Uniform Guidance, to ensure appropriate and economical acquisitions.

G. The Land Bank will enter into inter-local agreements, where appropriate.

H. The Land Bank will only utilize Time and Materials contracts when it has been determined, in writing, that no other contract type is suitable.

I. Vendors/Contractors that develop or draft specifications, requirements, statements of work, or invitation to bids or requests for proposals must be excluded from competing for such procurements.

J. The Land Bank will make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed.

K. The Land Bank is prohibited from contracting with or making sub awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. "Covered Transactions" include those procurement contracts for goods and services awarded under a non-procurement transaction (i.e. grant or cooperative agreement) that are expected to equal or exceed \$20,000. All non-procurement transactions (i.e. sub-awards to recipients), irrespective of award amount, are considered covered transactions.

L. The Land Bank will include a suspension/debarment clause in all written contracts in which the vendor/contractor will certify that it is not suspended or debarred. The contract will also contain language requiring the vendor/contractor to notify the Land Bank immediately upon becoming suspended or debarred. This will serve as adequate documentation as long as the contract remains in effect.

M. The Land Bank will be responsible for running the vendor/Contractor's name through the System for Award Management (SAM) to determine any exclusions. A copy of the SAM search will be included with the procurement file. Prior to entering into an agreement with a vendor, Land Bank staff will check the SAM to determine if any exclusions exist for the Vendor/Contractor. If a vendor/contractor is found to be

suspended or debarred, the Land Bank will immediately cease to do business with the vendor.

N. The Land Bank will not use statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals; except in those cases where applicable federal statutes expressly mandate or encourage geographical preference.

O. The Land Bank will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor area surplus area firms are used when possible.

P. The Land Bank will require appropriate bonding requirements as per §200.326.

Q. The Land Bank will only award contracts to Responsible Vendors and will document, in writing, such determination.

R. Land Bank contracts will contain the applicable provisions described in Appendix II to part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

S. The Land Bank will maintain oversight to ensure that contractors perform in accordance with the contracts terms, conditions, and specifications.

T. Copies of executed contracts will be electronically filed and maintained on a permanent hard drive.

U. Any sub-award agreements shall include a clause for contract termination in the case of default or other causes that may call for termination.

V. WCRLB will maintain oversight over contractors and/or sub recipients to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. This may be in the form of meeting, reports, and review of end products.

Cost and Price Analysis

WCRLB shall conduct some form of cost or price analysis and document the file in connection with procurement actions. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

Profit, administrative costs, and overhead associated with the project must be evaluated separately, giving consideration to the complexity of the work to be performed, the risk borne to the contractor, and other such factors that would influence the cost.

Davis-Bacon Act

Davis Bacon wages are required whenever federal funds are being used unless a written exclusion from the granting agency for a specific award is received.

If WCRLB has any agreements, sub-agreements, or loans that involve federally funded construction, alteration, or repair contracts over \$2,000, the contracts or agreements will contain

the required clauses for complying with Davis-Bacon Act wage rates, reporting requirements and include a wage rate determination from the Department of Labor at <https://beta.sam.gov/>.

Consultants

When consultants' services are used, WCRLB will execute a consulting agreement specifying the services to be provided, duration, and pay rates that include base rate, fringe benefits, and overhead, if applicable.

Consultant Cap

EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, available at: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

-Information on how to calculate the maximum daily rate and the daily pay limitation is available at the Office of Personnel Management's Fact Sheet: How to Compute Rates of Pay (<https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/how-to-compute-rates-of-pay/>) and Fact Sheet: Expert and consultant Pay (<https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/fact-sheets/expert-and-consultant-pay/>). Specifically, to determine the maximum daily rate, follow these steps:

(1) Divide the Level IV salary by 2087 to determine the hourly rate. Rates must be rounded to the nearest cent, counting one-half cent and over as the next higher cent (e.g., round \$18.845 to \$18.85).

(2) Multiply the hourly rate by 8 hours. The product is the maximum daily rate...."

DBE Good Faith Efforts for Federal Assistance Agreements

Disadvantaged Business Enterprises (DBE). Positive, good faith efforts will be made to utilize and solicit small businesses, veteran-owned businesses, women-owned businesses, minority-owned businesses, or labor surplus areas when procuring construction, equipment, services, and supplies. These efforts include:

- I. Placing qualified DBE Vendors on solicitation lists;
- II. Soliciting DBE Vendors whenever they are potential sources;
- III. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by DBE Vendors;
- IV. Establishing delivery schedules, where requirement permits, which encourage participation by DBE Vendors;
- V. Using services and assistance, as appropriate, of such organizations as Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

- VI. Requiring the prime contractor, if subcontracts used, to take affirmative steps listed in paragraphs (i) through (v) of this section.

All efforts considered and utilized will be documented and made a part of the federal grant file.

As applicable, the Wayne County Land Bank will submit the required MBE/WBE Utilization Form (<https://www.epa.gov/grants/epa-form-5700-52a-united-states-environmental-protection-agency-minority-business>), at least annually, to applicable federal agencies for any assistance agreement when: funds are budgeted for procuring construction, equipment, services and supplies (including funds budgeted for direct procurement by the recipient or procurement under sub-awards or loans in the "Other" category) with a cumulative total that exceed the Simplified Acquisition Threshold (SAT) (currently, \$250,000), including amendments and/or modifications. Note: The threshold will be automatically revised whenever the SAT is adjusted; See 2 CFR Section 200.1)

SECTION 13. MISCELLANEOUS PROVISIONS

a. Powers of Amendment.

Any modification or amendment of this Policy may be made by a supplemental resolution adopted at any duly constituted meeting of the Board; provided, however, that no such modification or amendment shall abrogate the rights and duties of existing Land Bank contracts, the terms of which were established pursuant to this Policy or to a previously existing policy.

b. No Recourse Under This Policy.

No provision of this Policy shall be the basis for any claim based on this Policy against any member, officer or employee of the Land Bank or the Land Bank itself.

- c. Provisions Required By Law.** This Policy is hereby deemed to include any provision required by law to be included herein.

Section IV. Payroll Procedures and Personnel Policy

Payroll, Time Sheet and Travel Reimbursement Procedures

All leave and other related payroll and personnel items are subject to the WCRLB Personnel and Travel Policies.

All WCRLB employees will complete bi-weekly time sheets to be signed by the employee and the Executive Director. Time Sheets will be signed by the Board Chairman in Executive Director's absence.

The Executive Director's time sheet will be signed by the Executive Director and the Deputy Director. Executive Director time sheet will be signed by the Board Chairman in Deputy Director's absence.

Employees will complete monthly Travel Sheets to be signed by the employee and the Executive Director. Travel Sheets will be signed by the Board Chairman in Executive Director's absence.

Employees and the Executive Director will keep track of hours spent on projects that require documentation of hours worked on a particular project. These hours are recorded on time sheets by project.

Employees and the Executive Director will keep track of hours spent working away from the office and identify said hours on their timesheet.

The salaries and wages of all WCRLB employees do not vary in any way depending on the project being worked on or the source of project funding.

Fringe Benefits

Fringe benefits are allowances and services provided by employers to their employees as compensation in addition to regular salaries and wages.

The WCRLB provides fringe benefits in the form of vacation and sick leave, employee health care and dental insurance, pension, worker's compensation, paid family leave, and unemployment benefits. All fringe benefits are reasonable and in some cases required by law.

Fringe benefits are an employee benefit and do not vary by funding source or project.

Personnel Policy

For the purpose of this personnel policy, individuals who are employees of the Wayne County Regional Land Bank (WCRLB) shall be considered "Personnel," including full time administrative staff, interns and part-time employees. "Personnel" shall not include directors, vendors, service providers or other independent contractors.

Implementation of Personnel Policy: The board of directors shall be responsible for the implementation and administration of this policy. The Executive Director shall be responsible for the distribution of the policy and day-to-day oversight of the policy guidelines.

Equal Employment Opportunity: It is the policy of the WCRLB to grant equal opportunity to all persons without regard to race, color, sex, creed, age, gender, national origin, ancestry, sexual orientation, or physical handicap. The WCRLB will comply, to the best of its ability, with all

applicable employment opportunity requirements. Complete records of the hiring process will be kept on all job openings not filled from within the organization. It is the intent and desire of the WCRLB to provide equal opportunity in wages, promotions, benefits and all other privileges, terms and conditions of employment.

General Grievance Procedures: Personnel are assured a fair hearing process for grievances. Employees should first attempt to resolve any problem with their immediate supervisor on an informal basis. If the employee is not satisfied that the grievance is properly resolved, the matter may be referred, in writing, to the board of directors. Grievances with the Executive Director should be first directed to the Chairman of the Board. All grievances will be resolved as expeditiously and confidentially as possible. The WCRLB has also adopted a Whistleblower Policy and Procedures and all Personnel should review and make use of such policy and procedures as needed.

Sexual Harassment: The WCRLB prohibits all forms of sexual harassment and sexual discrimination by personnel and the board of directors. Any person who believes that he or she has been harassed or subject to discrimination should use the following the procedure:

- Carefully consider whether the questionable behavior is truly harassment or discrimination. Disputes of this nature should not be taken lightly and are considered serious charges.
- If unresolved after discussions with the Executive Director, it should be reported to the Chairman of the Board, to be referred to the board of directors as necessary.
- If the complaint is against the Executive Director, it should be referred to the Chairman of the Board, to be referred to the board of directors as necessary.
- If the complainant is the Executive Director, it should be referred to the Chairman of the Board or to a disinterested director as appropriate, to be referred to the board of directors as necessary. Disciplinary Action Sexual harassment or sexual discrimination in the workplace by personnel will not be tolerated and:
 - Will result in disciplinary action up to, and including, termination. Termination for this reason shall be considered as taken "with cause"; and
 - May result in personal liability to the offending employee.

Reporting: The Executive Director shall report any complaint under this section received in writing to the Chairman of the Board immediately upon receipt of the complaint. Within 10 days of the initial report to the Chairman, another report should be made to the Chairman with a description of actions taken to resolve the complaint. **Appeal Process** Any party that disagrees with the determination made pursuant to this policy shall have the right to appeal within five business days to the Board of Directors, as a whole, whose decision will be binding on all parties. **Supervisory Responsibility** All WCRLB personnel who hold supervisory authority over other personnel shall take such action as may be needed to assure that sexual harassment and sexual discrimination does not occur during their employment at the WCRLB. **Illegal Substances and Alcohol:** Personnel shall not consume, trade, purchase or sell illegal substances while employed by the WCRLB. Personnel shall not be under the influence of illegal substances or alcohol at any time during working hours or while otherwise engaged in their duties of employment with the WCRLB. Personnel violating this rule are subject to immediate termination.

Conflicts of Interest: Personnel shall comply with the WCRLB's Code of Ethics, as such may be amended from time to time. **Expenses:** Employees will be reimbursed for usual and customary expenses incurred while engaged in the duties of employment. The types of expenses that might be reimbursable would include travel expenses in accordance with the WCRLB's travel policy. All reimbursements shall be subject to the WCRLB's Discretionary Funds Policy.

Confidentiality: The WCRLB may, at times, be entrusted with confidential and proprietary information. Personnel, including members of the board of directors, are responsible for maintaining these confidences and treating all information received in a confidential manner. Decisions as to the release of information rest with the Executive Director and, ultimately, the board of directors. Personnel should never disclose confidential information to the public and are not authorized to speak on behalf of the WCRLB without first obtaining authorization from the Executive Director. Personnel files are confidential, to be accessed by the Executive Director and the Chairman of the Board.

Business Office Hours: Business office hours are to be set by the Executive Director in consultation with the board of directors to ensure that the administrative offices are accessible to the public during normal business hours. Typical office hours are 8:30 a.m. to 5:00 p.m. Monday through Friday. Personnel are allowed a one-hour lunch break. **Salaried Employee Work Week:** The employee workweek will average not less than 35 hours. Given the nature of the enterprise, it is expected that some workweeks during the year will require more than 35 hours per week. On these occasions, full assistance and cooperation is expected. While the WCRLB shall comply with the law in relation to compensation for overtime, the WCRLB does not currently have employees entitled to overtime compensation. The Executive Director may authorize compensatory time made available for staff. The chairman of the board may authorize compensatory time for the Executive Director. All compensatory time must be authorized in advance.

Compensation: Personnel shall be paid in accordance with the customary payroll practices of the WCRLB. A record of hours by non-exempt personnel must be completed and submitted to the Executive Director prior to the payment of wages. The Executive Director position is considered exempt from overtime compensation.

Condition of Employment: The Executive Director shall interview all potential employees for exempt and nonexempt jobs in consultation with the Hiring Committee. Employment is contingent upon approval by the WCRLB Board of Directors. The first three (3) months of employment is a probationary period. After the probationary period, the employee's performance shall be reviewed and, if satisfactory, that person may continue employment with the WCRLB. Only full-time regular staff members are eligible for employee benefits unless otherwise mandated by state or federal law, or as otherwise provided for at the time of employment.

Attendance: It is expected that all personnel will report for work during normal working hours. The Executive Director, and ultimately, the board of directors, is charged with the responsibility and authority to see that office hours and good business practices are observed.

Dress Code: Business casual attire is appropriate, as long as it projects a professional image. Employees must use common sense and good judgment in relation to their attire when working in the office, attending meetings or traveling on business.

Injuries/Worker's Compensation: Regardless of the severity or nature, all injuries incurred on the job must be reported to the Executive Director within one working day. If required, an accident report shall be filed no later than 24 hours after the incident. The Executive Director shall notify the insurance carrier immediately. The WCRLB maintains such workers' compensation insurance as required by law.

Regular Leave (Applicable to the Executive Director Only): The Executive Director shall be allowed up to a maximum of twenty six (26) days per calendar year, or pro-rated portion thereof, to be used for any purpose including, but not limited to, the following purposes: sick, vacation or personal time off ("Leave"). Leave may be taken at any time during the year with prior approval of the Chairman of the Board, except in the case of emergency in which case no prior approval is necessary. The Executive Director should avoid taking three consecutive weeks of Leave. Unused Leave will not be carried over to the next calendar year. At the time of the Executive Director's separation from employment, the WCRLB will pay the Executive Director for up to twenty (20) accumulated unused Leave days. Paid days off shall be considered "advanced" at the beginning of each year of employment and, upon termination, only those that have been earned during the pro-rated portion of that year at a rate of one and two-thirds days per month shall be paid. For example, were the executive director to leave in the middle of their second year, they could be paid out for up to ten leave days if none had yet been used. In every case of illness, a call must be made early on the first day of absence to notify the Chairman of the Board. Pay in lieu of Leave is not allowed.

The Executive Director is also entitled to disability benefits as required by New York State Disability law.

Regular Leave (All other salaried employees): Full-time salaried employees shall be allowed up to a maximum of twenty (20) days per calendar year, or pro-rated portion thereof, to be used for any purpose including, but not limited to, the following purposes: sick, vacation or personal time off ("Leave"). After five years of continuous full-time employment with the organization, an additional five days of Leave per year will be awarded annually—for a total of twenty-five (25) days of leave awarded on the fifth anniversary of employment with the WCRLB. Employees working less than full-time shall be allowed a pro-rated portion of the amount described above, based on the number of hours per week worked as a portion of a full-time position (i.e. ½ time, ¾ time, etc.). Leave may be taken at any time during the year with prior approval of the Executive Director, except in the case of emergency in which case no prior approval is necessary. Up to five (5) days of unused Leave may be carried over to the next calendar year, but at no time may more than thirty (30) days be accumulated and 'banked.' At the time of the employee's separation from employment, the WCRLB will pay the employee for up to twenty (20) accumulated unused Leave days. Paid days off shall be considered "advanced" at the beginning of each year of employment and, upon termination, only those that have been earned during the pro-rated portion of that year at a rate of one and one-third days per month shall be paid. For example, an employee leaving in the middle of their second year could be paid out for up to eight leave days if none had yet been used. In every case of illness, a call must be made early on the first day of absence to notify the Executive Director. Pay in lieu of Leave is not allowed. Employees are also entitled to disability benefits as required by New York State Disability law.

Other Leave (all employees): Bereavement Leave: Bereavement leave shall not exceed four (4) consecutive days of paid leave per instance, upon the death of a spouse, parent or child. A one

(1) day paid leave will be granted if the employee attends the funeral of any other family member.

Jury Duty Leave: Employees serving on juries shall receive normal pay less other compensation which may be received from other sources resulting from such jury duty.

Unpaid Leave of Absence: An unpaid leave of absence may be considered for personal, family, or medical reasons for a period not to exceed thirty (30) days. Unpaid leaves of absence may be permitted or extended, depending on the reasons and circumstances. A request for an unpaid leave of absence must be in writing and supported by valid reasons. Approval by the Board of Directors is required.

Performance Evaluations: An employee shall be reviewed after the probationary period, as well as on an annual basis. An employee's job description serves as a basis for evaluating employee performance. The Executive Director is responsible for implementing staff performance evaluations and making recommendations to the hiring committee on appropriate changes to job title and content, classification, performance and wage increases. Every employee's performance shall be reviewed and discussed with the employee by the Executive Director. Performance evaluations will be performed prior to the end of each fiscal year as part of the WCRLB's budget process. The Executive Director shall be reviewed on an annual basis by the Board of Directors. The job description serves as the basis for evaluating performance. The Chairman of the Board of Directors will make recommendations to the full board of directors as to wage increases and/or performance compensation for the Executive Director.

Separation and Termination: All terminations, both voluntary and involuntary, are coordinated through the WCRLB board of directors. Any employee contemplating resigning should discuss matters first with the Executive Director. Personnel who voluntarily leave the employment of the WCRLB shall submit a written letter of resignation at least two (2) weeks prior to their last day of work. The Executive Director should give at least four (4) weeks' notice to the board of directors unless other requirements are set forth in an employment agreement. Permanent employees who have resigned will be eligible to receive earned vacation benefits. The decision to terminate an employee shall be reviewed by hiring committee and the board of directors.

Paid Holidays: The WCRLB, unless otherwise stipulated, shall observe the following paid holiday schedule: New Year's Day, Martin Luther King Day, Memorial Day Presidents' Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day. In the event a holiday falls on a Saturday, the WCRLB office will close on the Friday prior. If the holiday falls on a Sunday, the WCRLB offices will close on the following Monday. Permanent part-time employees, who have been employed for more than 12 calendar months, will receive holiday pay equal to their average daily pay during the previous four week period.

Section V. Travel

Business Travel

Staff are required to obtain travel authorizations and approvals prior to travel. All requests must be authorized in advance by the Executive Director even if no advance of funds are being requested.

WCRLB Travel and Discretionary Spending Policy

SECTION 1. PURPOSE AND APPLICABILITY. This Travel and Discretionary Funds Policy (the "Policy") shall apply to every member of the Wayne County Regional Land Bank Corporation (the "Land Bank) and all officers and employees thereof. The purpose of this Policy is to protect against the use of discretionary funds for purposes that do not advance the Land Bank's mission and purpose. This Policy is adopted in accordance with Public Authorities Law §2824(1)(b), which requires the Land Bank to adopt a policy governing travel, and the Authorities Budget Office Recommended Governance Practice encouraging all state and local authorities to adopt a policy on the proper use of discretionary funds that incorporates the legal principals set forth in Opinion No. 2007-F4 of the Office of the NYS Attorney General.

SECTION 2. USE OF DISCRETIONARY FUNDS. The expenditure of Land Bank funds must relate to an enumerated power, duty or purpose of the Land Bank. Land Bank funds may not be spent in a manner that supports the private or personal interests of any member, officer or employee or benefits any member, officer or employee individually.

SECTION 3. PRIOR APPROVAL. Any expenditure of discretionary funds in excess of Fifty Dollars (\$50.00) and all official travel for which a reimbursement will be sought shall be approved by the Executive Director prior to such expenditure and shall fall within the Land Bank's current budget allocations. Provided, however, in the instance where the Executive Director seeks an expenditure of discretionary funds, such expenditure must be pre-authorized by the Chairman. The Executive Director or the Chairman, as the case may be, shall review the proposed expenditure and approve such expenditure only if it (i) primarily benefits the Land Bank as opposed to an individual member, officer or employee; (ii) advances a power, duty, or purpose of the Land Bank; and (iii) is reasonable and necessary.

SECTION 4. TRAVEL.

a. Payment of Travel. The Land Bank will reimburse all reasonable expenses related to meals, travel and lodging that were incurred by any director, officer or employee as a result of the performance of their official duties. All official travel shall be properly authorized, reported and reimbursed. Under no circumstances shall expenses for personal travel be charged to, or temporarily funded by, the Land Bank. It is the traveler's responsibility to report his or her travel expenses in a responsible and ethical manner, in accordance with this policy.

b. Travel Expenses. Travelers may use their private vehicle for business purposes if it is less expensive than renting a car, taking a taxi or using alternative transportation. The traveler will be reimbursed at a standard mileage reimbursement rate as set by the Internal Revenue Service. Travelers will use due diligence to obtain the lowest cost for travel expenses.

c. Documentation.

Travel Expense Voucher. A travel expense voucher reporting all expenses pertaining to a particular approved trip must be submitted to the Treasurer of the Land Bank within 45 days of the end of the trip. The travel expense voucher should include:

1. Date and time of departure from and return to the office of the Land Bank or traveler's residence;
2. Purpose of the travel or the nature of the business benefit derived as a result of the travel;
3. Whether or not the expenses incurred during the travel were preapproved; and
4. The amount of each expenditure, listed by date and location.

Receipts. The original of the following receipts must be submitted along with the travel expense voucher:

1. All travel tickets (i.e. airline tickets, train tickets, rental car agreement);
2. All meal receipts (i.e. signed credit card slips or payment stubs); and
3. All lodging receipts (i.e. hotel, motel receipts).

Final Approval. The Treasurer shall review each travel expense voucher in order to ensure that the traveler has provided adequate substantiation and to determine whether the expenses listed therein are reasonable. The Treasurer may require a traveler to submit additional substantiation and, if the Treasurer finds a particular expense to be unreasonable (either as to amount or purpose), the Treasurer may deny reimbursement of the expense or reduce the amount of the reimbursement for such expense. In instances where the Treasurer seeks approval for his or her own travel expenses, the Chairman shall review the travel expense voucher and make the determinations set forth in Section 4.

SECTION 5. APPROPRIATE EXPENDITURE GUIDANCE.

a. Membership Dues. Membership dues paid by the Land Bank to belong to a professional peer organization are generally a permissible use of Land Bank funds. However, individual membership costs for board members, officers and employees to belong to a professional, social, or fraternal organization is an impermissible use of Land Bank funds.

b. Charitable Contributions and Sponsorships. The appropriateness of any sponsorship or charitable contribution will depend on whether it relates to the powers, duties and purposes of the Land Bank and whether such expenditure will advance the Land Bank's core mission and public purposes.

c. Food and Beverages. With the exception of food and beverage purchases during business travel as provided in the Land Bank's Travel Policy, purchases of food and beverages for the personal consumption of members, officers or employees shall not be considered an appropriate use of Land Bank discretionary funds. However, expenditures for food and beverages purchased for or during the conduct of Land Bank meetings and conduct of business with persons that do, or may do, business with the Land Bank may be an appropriate expenditure of Land Bank discretionary funds, provided the expense is reasonable in light of the circumstances surrounding the Land Bank activity and is approved as set forth herein.

d. Professional Training and Conferences. Paying the costs to attend training or professional conferences may be an appropriate expenditure of Land Bank discretionary funds, provided it is approved as set forth herein. e. Marketing. Paying costs incurred in the course of marketing the Land Bank's properties to potential buyers and maintaining relations with existing industries, businesses and supporting partners in furtherance of the Land Bank's mission is an appropriate expenditure of Land Bank discretionary funds, provided it is approved as set forth herein.

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SECTION 6. IMPROPER USES OF DISCRETIONARY FUNDS.

Land Bank discretionary funds shall not be used for any expense intended to personally benefit a member, employee, or officer. Examples of improper uses of discretionary funds include the following:

- a. Purchases of alcohol or tobacco products;
- b. Renewal of professional licenses for Land Bank employees;
- c. Purchases of flowers, gifts, or cards for Land Bank members, officers, or employees;
- d. Celebrations for special occasions that do not directly relate to a public purpose of the Land Bank; and
- e. Personal use of Land Bank vehicles, unless properly documented for tax purposes.

Travel associated with a specific federally funded project will be billed to that grant only and reviewed to ensure that travel costs are allowable, allocable, and reasonable. Lodging will only be covered with federal funds up to the current federally accepted rate. This rate varies by location, so be sure to check <https://www.gsa.gov/travel/plan-book/per-diem-rates> for the current rates. Prior to attending any grant funded travel, staff must ensure that adequate funds are in the grant budget. Travel expenses must be allocable to the grant project. Separate levels of review are required prior to authorizing advances and payments for travel.

Prepaid Travel Expenses & Reimbursements

Before the travel, WCRLB may issue prepayments for airfare, rail transportation, rental vehicles, conference registration fees, and deposits for lodging. Applicable policies and methods of payments for these prepayments follow.

Airfare: Travelers are expected to obtain the lowest available airfare that reasonably meets business travel needs.

Rail transportation: WCRLB will prepay rail transportation provided that the cost does not exceed the cost of the least expensive airfare.

Rental vehicles: WCRLB will pay for approved use of a rental vehicle. See the section on reimbursements below in this section.

Conference registration fees: Conference registration fees can be prepaid with a credit card.

Business-related banquets or meals that are considered part of the conference can be paid with the registration fees; however, such meals must be deducted from the traveler's per diem allowance. See Meals (per diem) for more detail. Registration fees paid directly by an individual will not be reimbursed until the conference is completed. A prorated amount for the meals provided must be deducted from the traveler's per diem. See Meals (per diem) for more details.

Entertainment activities such as golf outings and sightseeing tours will not be reimbursed.

Lodging (commercial): The cost of overnight lodging (room rate and tax) will be reimbursed to the traveler if the authorized travel is 50 miles or more from the traveler's home or primary worksite. WCRLB will reimburse lodging expenses at reasonable, single occupancy or standard business room rates. When the hotel or motel is the conference or convention site, reimbursement will be limited to the conference rate. Only single room rates are authorized for payment or reimbursement unless the second party is representing the agency in an authorized capacity

Automobile (personally owned): A valid driver's license issued within the United States and personal automobile insurance are required for expenses to be reimbursed.

Drivers should be aware of the extent of coverage provided by his or her automobile insurance company for travel that is business or not personal in nature.

Reimbursement for use of a personal automobile is based on the federal mileage rate.

Automobile: Reimbursement for a commercial rental vehicle as a primary mode of transportation is authorized only if the rental vehicle is more economical than any other type of public transportation, or if the destination is not otherwise accessible. Vehicle rental at a destination city is reimbursable. Original receipts are required.

If a reimbursement of travel-related expenses is required, then these are submitted on a Reimbursement form. This form must be accompanied by supporting documentation.