

ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY
PROCUREMENT POLICY

The Rockland County Solid Waste Management Authority was created as a public benefit corporation, pursuant to the Public Authorities Law Title 13-M (the “Enabling Act”), to carry out its purpose of benefiting the people of the County of Rockland by dealing with solid waste and any products or by-products thereof. Among the powers granted to the Authority under Public Authorities Law Title 13-M is the power to make contracts and to execute all necessary and convenient instruments to further the Authority’s state public purpose. As such, and in accordance with Section 2824 of the Public Authorities Law, it is the policy of the Authority to procure goods and services in a manner which assures: (i) compliance with all applicable provisions of law governing procurements by the Authority; (ii) the acquisition of quality goods and services which meet the Authority’s needs; (iii) fairness and open competition; (iv) the wise and prudent use of the resources of the Authority; (v) opportunities for certified Minority and Women-Owned, New York State Business Enterprises, and Service-Disabled Veteran Owned Businesses in accordance with law; (vi) the avoidance of favoritism, extravagance, fraud, and corruption; and (vii) flexibility in order to timely respond to business needs furthering the purposes of the Authority. Insofar as the Authority does not constitute a political subdivision, the strictures of General Municipal Law § 103 do not apply to it, unless expressly agreed to by the Authority on a case by case basis.

**POLICY FOR THE PROCUREMENT OF GOODS, EQUIPMENT AND SERVICES
FOR THE ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**

The Rockland County Solid Waste Management Authority has hereby formally adopted the following written policies applicable to all purchases of goods, equipment and services, including construction services, by Resolution of the Authority Board. This Policy is meant to actively promote competitive procurements of all goods and services, with limited exemptions, as set forth herein. Authority staff is hereby directed to comply with this Policy and to retain the necessary documentation as required herein to substantiate such compliance.

DEFINITIONS

The terms used in this Policy have the meaning attributed to them in Title 13-M of the Public Authorities Law, and by common practice and industry usage. In addition, the terms set forth below shall have the following meanings:

“Minority Owned Business Enterprise” shall have the same meaning as that set forth in Public Authorities Law Section 2879 (commonly referred to in combination with ‘Women Owned Business Enterprise’ as “MWBE firm.”).

“Most Advantageous” means the basis for awarding contracts to the offerer which optimizes quality, cost and efficiency, among responsive and Responsible offerers.

“Responsible” means meeting requirements that may include, but are not limited to, the offerers’ qualifications, history of regulatory compliance, financial stability, and integrity. Factors to be considered in determining whether the standard of responsibility has been met include whether a prospective contractor has: (a) available the appropriate financial, material, equipment, facility and/or personnel resources and expertise, or the ability to obtain them, necessary to indicate its ability to meet all contractual requirements; (b) a satisfactory record of performance with projects of a similar size and nature; (c) a satisfactory record of integrity; (d) history of contracting with the Authority; (e) qualified legally to contract with the Authority; and (f) promptly supplied all necessary information in connection with the inquiry concerning responsibility.

“Responsive” means the extent to which the offer has complied with the specifications or requirements of the solicitation for goods or services.

“Service Disabled Veteran Owned Business Enterprise” shall have the same meaning as that set forth in Article 17-B of the Executive Law Section 369-H (commonly referred to as “SDVO firm.”).

“Solid Waste Management Facility” shall mean any facility, plant, works, system, building, structure, improvement machinery, equipment, fixture or other real or personal property which is to be used, occupied or employed beyond the initial solid waste collection process for the storage, processing, or disposal of solid waste or the recovery by any means of any material or energy product or resource therefrom including but not limited to recycling centers, transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, resource recovery facilities

or other facilities for reducing solid waste volume, sanitary landfills, plants and facilities for compacting, composting or pyrolyzation of solid wastes, incinerators, and other solid waste disposal, reduction or conversion facilities. For the purpose of this section, solid waste management-resource recovery facilities include solid waste recovery and management projects as defined in subdivision two of section 51-0903 of the environmental conservation law.

“Women Owned Business Enterprise” shall have the same meaning as that set forth in Public Authorities Law Section 2879 (commonly referred to in combination with ‘Minority Owned Business Enterprise’ as “MWBE firm.”).

SOLID WASTE MANAGEMENT FACILITY CONSTRUCTION CONTRACTS

All contracts or orders for work, material, or supplies performed or furnished in connection with construction of Solid Waste Management Facilities as defined herein shall, when applicable, be made in accordance with Section 120-w of the General Municipal Law, as set forth in the Authority’s Enabling Act.

The Authority has determined that the applicability of Section 120-w of the General Municipal Law is limited to the construction of Solid Waste Management Facilities. Accordingly, insofar as any repair or replacement work will not be performed in connection with the construction of a Solid Waste Management Facility, such work will not be required to be procured pursuant to Section 120-w of the General Municipal Law.

OTHER CONSTRUCTION, RECONSTRUCTION, AND REPAIRS

Contracts involving construction, reconstruction, maintenance or repair activities for facilities other than Solid Waste Management Facilities as defined herein shall be subject to the requirements set forth herein for the purchase of goods, services, and equipment, including those provisions relating to competitive negotiations.

PURCHASES OF GOODS, EQUIPMENT, AND SERVICES

Contracts Involving an Expenditure of more than \$100,000

The competitive bidding requirements of Section 103 of the General Municipal Law and its monetary thresholds do not apply to the Authority insofar as the Authority does not constitute a political subdivision. Accordingly, the Authority may purchase goods, equipment, or services pursuant to either a competitive bidding process or a competitive negotiations process. If a competitive bidding process is utilized, award shall be made to the lowest Responsible bidder. If a competitive negotiations process is utilized, award shall be made to the Responsible proposer whose proposal is determined in writing to be the Most Advantageous to the Authority, taking into consideration price and non-price evaluation factors set forth in the request for proposals, as set forth herein.

Contracts Involving an Expenditure of less than \$100,000

For any purchase of goods, equipment, or services by the Authority involving an expenditure of less than \$100,000, the Executive Director or his or her designee shall obtain three or more written

quotes, whenever possible, and shall document and retain those quotes for a period of at least two years. For non-recurring small purchases, at levels of less than \$5,000, competitive quotes are not required.

COMPETITIVE BIDDING

As set forth above, the Authority may award contracts for the purchase of goods, equipment, and services through a competitive bidding process. As additionally set forth above, the competitive bidding requirements of Section 103 of the General Municipal Law do not apply to the Authority insofar as the Authority does not constitute a political subdivision. Accordingly, if the Authority seeks to conduct a competitive bidding process to procure goods, equipment, and/or services, it may do so pursuant to its own competitive bidding procedures rather than those set forth in Section 103 of the General Municipal Law.

Competitive Bidding Process – Procedures

In undertaking a competitive bidding process for the award of a contract pursuant to this Policy, the Executive Director (or his/her designee) shall comply with the following procedures:

- (1) A request for bids shall be developed which shall include information deemed appropriate by the Executive Director or Authority General Counsel.
- (2) Adequate public notice of the request for bids shall be given in the manner provided in the section of this Policy entitled “Advertisement and Opening of Bids.”

Award shall be made to the lowest Responsible bidder.

COMPETITIVE NEGOTIATIONS

As set forth above, the Authority may award contracts for the purchase of goods, equipment, and services through a competitive negotiations process.

Competitive Negotiation Process – Procedures

In undertaking a competitive negotiation process for the award of a contract pursuant to this Policy, the Executive Director (or his/her designee) shall comply with the following procedures:

- (1) A request for proposals shall be developed which shall indicate the relative importance of price and other evaluation factors, and any information deemed appropriate by the Executive Director or Authority General Counsel.
- (2) The request for proposals shall also contain a description of the evaluation and selection procedures which shall be followed in awarding the contract, including procedures which govern written or oral discussions with proposers, the proposal clarification process, concurrent or sequential negotiations, discontinuance and resumption of negotiations and rights reserved to the Authority.

- (3) Adequate public notice of the request for proposals shall be given in the manner provided in the section of this Policy entitled “Advertisement of Proposals.”
- (4) The Authority shall form an Evaluation Committee whose purpose is to determine
 - a. if the proposal complies with the requirements of the request for proposals; and
 - b. which proposal is Most Advantageous to the Authority.
- (5) Award shall be made by the Authority Board to the proposer whose proposal is determined in writing to be the Most Advantageous to the Authority, pursuant to a “best value” analysis, meaning that the Authority has the right to select the proposer whose proposal best satisfies the interests of the Authority and is most responsive to the request for proposals, and not necessarily on the basis of price or any other single factor.

BOARD APPROVAL

The Authority Board shall approve any contract with a value in excess of \$100,000.

REJECTION OF BIDS OR PROPOSALS AND RIGHT TO READVERTISE

The Authority may reject all bids or proposals, and if it chooses, re-advertise for new bids or proposals in the manner provided for herein.

ALTERNATIVE PROJECT DELIVERY METHODS

From time to time, the Authority may procure and enter into alternative project delivery agreements, such as design-build, design-build-operate, and construction manager at-risk, among others. Section 120-w of the General Municipal Law authorizes the use of such alternative project delivery methods for the construction of Solid Waste Management Facilities. For non-Solid Waste Management Facilities, the Authority may utilize an alternative project delivery method pursuant to a procurement process set forth by the Authority and may enter into such an agreement with a general alternative project delivery contractor, so long as a duly licensed engineer will perform the design work. The Authority shall follow the procedures set forth under Section 120-w of the General Municipal Law for alternative project delivery contracts involving Solid Waste Management Facilities. For alternative project delivery contracts involving non-Solid Waste Management Facility, the Authority, award shall be made by the Authority Board to the proposer whose proposal is determined in writing to be the Most Advantageous to the Authority, pursuant to a “best value” analysis, meaning that the Authority has the right to select the proposer whose proposal best satisfies the interests of the Authority and is most responsive to the request for proposals, and not necessarily on the basis of price or any other single factor.

PROFESSIONAL SERVICES CONTRACTS

Contracts which require professional methods, character or standards or require a State license to practice, or special skill and training or which may be creative and specialized in nature are considered to be professional service contracts. Such services shall be exempt from the

Competitive Sealed Bids and Competitive Negotiations provisions set forth above. The Authority may procure professional services on a negotiated basis, and may request such information as the Executive Director deems appropriate to select the most qualified firm for a reasonable fee.

LEASE ARRANGEMENTS

Leases of equipment shall also be awarded after a competitive process. Authority staff shall obtain formal written quotations or proposals from three or more vendors for any lease involving in excess of \$50,000 annually. For leases involving in excess of \$50,000 annually, staff shall obtain written quotations or proposals setting forth the particulars as to the equipment or space to be provided and details as to cost, on an annual and total lease basis, which may be used for evaluation of the proposal. The lease shall also include details as to additional cost beyond the base lease amount necessary to properly evaluate the equipment to be leased prior to award to the successful vendor. For leases involving an annual total lease expense of less than \$50,000, Authority staff shall secure at least three informal quotes, whenever possible, and perform the same evaluation before making a recommendation to the Executive Director relative to the selection of a lessor for the equipment to be leased. Any lease of real property shall be exempt from the provisions of this Policy, and shall be procured under an alternative procurement policy approved by the Authority Board.

SOLE SOURCE

It is the policy of the Authority to promote competition in the procurement process, whenever possible. Toward that end, the Authority will not specify the product of a certain manufacturer to the exclusion of all other comparable products, except where such a designation is required for the public interest, such as where local geographic, atmospheric or other conditions require the use of the, and only the type of, equipment specified. Where the Authority specifies a particular article or type of equipment which it regards as its general standard, it will provide that any other manufacturer of a similar equipment may meet the specifications if his or her product is reasonably equivalent to that mentioned as the standard. Only in those instances where the Authority is required to secure equipment or service from a sole source, may a purchase of such items or service be made without a competitive procurement process.

AUTHORITY-LED PROCUREMENTS

In the event the Authority conducts a procurement process on behalf of, or in coordination with, another municipality or another public entity, the Authority's Procurement Policy shall apply to such procurement unless otherwise stated.

EMERGENCIES

Notwithstanding any of the other provisions in this Policy, in the case of a public emergency arising out an accident or other unforeseen occurrence or condition whereby circumstances affecting Authority buildings, Authority property or the life, health, safety or property of Authority employees, customers or the general public require immediate action which cannot await a competitive process or competitive bidding, contracts for public work or the purchase of supplies, materials or equipment or services may be let by the Chairman, Treasurer, Executive Director, Executive Committee or Authority Board by immediate contract and the Executive Director may

temporarily dispense with the competitive bidding or procurement requirements set forth herein. However, a good faith emergency must exist and while the emergency purchases do not require competitive bidding, it is nevertheless the policy and procedure of this Authority that such purchases must, wherever possible, be made in light of the nature of the emergency and the goods, equipment, and services to be provided for a reasonable cost, and in the best interest of the Authority. The term of any contract entered into due to the occurrence of an emergency as set forth herein shall be for a length of time deemed reasonable by the Executive Director taking into consideration the nature of the emergency and the goods, equipment, and services to be provided, including the costs related thereto.

STANDARDIZATION

Standardization should be utilized only where there are strong reasons of efficiency or economy. It is the Authority's policy that it will not specify the product of a certain manufacturer to the exclusion of all other comparable products except where such a designation is required for the public interest. Although the Authority may specify a particular article or type of equipment which it regards as its general standard, it should provide that any other manufacturer of a similar object may meet the specifications if his or her product is reasonably equivalent to that mentioned as the standard.

SURPLUS AND SECOND-HAND SUPPLIES

Surplus and second-hand supplies, material or equipment may be purchased by the Authority without competitive bidding from the Federal Government, the State of New York or from any other political subdivision, district or public benefit corporation.

PIGGYBACKING OF PURCHASES

Notwithstanding any of the other provisions of this Policy, the Authority is authorized to make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by the Authority through the use of a contract or competitive procurement list let or generated by the United States of America or any agency thereof, any state or any other political subdivision, district or authority therein if such contract or competitive procurement list was let or generated in a manner consistent with the competitive processes of the Policy and made available for use by other such entities pursuant to applicable laws, and the Executive Director may make such purchases as he/she deems appropriate.

SOURCEWELL CONTRACTS

The Authority may piggyback on contracts for those equipment or goods available under Sourcewell whenever the Authority deems it necessary. The procedure shall be as follows:

The Executive Director shall determine if piggybacking on a Sourcewell contract is in the best interest of the Authority.

If the Executive Director determines it is in the best interest of the Authority, then the Executive Director shall proceed to piggyback on the Sourcewell contract, while working with the Sourcewell to accomplish such end.

At the next monthly Board meeting, the Executive Director shall inform the Authority's Board of his or her decision.

INTER-AGENCY AGREEMENTS

The Authority may enter into agreements with the county, municipalities, public benefit corporations, public corporations, state agencies, and agencies of the Federal government pursuant to its authority set forth in its Enabling Act, and such agreements shall be exempt from the requirements of this Policy.

ADVERTISEMENT AND OPENING OF BIDS

Advertisements for bids shall be published in the official Authority newspapers designated for such purpose. Such advertisements shall contain a statement of the time when, and place where all bids received, pursuant to such notice, will be publicly opened and read. Authority staff may also take all such additional measures as possible to maximize the response to the bid and thereby increase competition. The Executive Director, or his/her designee, shall open the bids at the time and place specified in the notice. The Executive Director, or his/her designee, shall make a record of such bids in such form and detail as may be necessary for meaningful review. All bids received shall be publicly opened and read at the time and place so specified. At least ten business days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of the bids.

ADVERTISEMENT OF PROPOSALS

Except for any contract awarded pursuant to Section 120-w of the General Municipal Law, including the notice requirements of Subdivision 2 of Section 120-w of the General Municipal Law, advertisements for a request for proposals issued pursuant to a Competitive Negotiation process as set forth above shall be published in the official Authority newspapers designated for such purpose. Such advertisement shall contain a statement of the time when, and place where proposals will be received. Authority staff may also take all such additional measures as possible to maximize the response to the request for proposals and thereby increase competition. At least 10 business days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of proposals.

BID OR PROPOSAL MISTAKE

A bidder or proposer may correct, modify or withdraw a bid or proposal by written notice received by the Executive Director or his or her designee, prior to the time and date set for the receipt of bids or proposals. For any bids or proposals received by the Authority, the Executive Director, or his or her designee, may waive minor informalities or allow the bidder or proposer to correct them.

BID OR PROPOSAL PROTEST PROCEDURES

(1) Introduction

(a) The following procedures shall apply to all procurements conducted by the Authority.

(b) All actual or prospective bidders, proposers or offerors whose direct economic interest would be affected by the award of, or failure to award, a contract shall be deemed “Interested Parties” for the purposes of these procedures. Protests regarding procurements will only be accepted from Interested Parties.

(c) All protests shall be filed in writing with the Executive Director for the Authority, and shall be addressed as follows: Executive Director Rockland County Solid Waste Management Authority 420 Torne Valley Road Hillburn, New York 10931.

(d) A protest found by the Authority to be patently without merit or not brought in a timely manner may be rejected without further consideration. Protest submissions should be factual, complete, concise, logically arranged and clearly state all grounds for the protest. All protests must include the following information: name, address, telephone and facsimile number of protestor and designated contact person for purposes of the protest; solicitation or contract number which is the subject of the protest; detailed statement of the legal and factual grounds of the protest, including copies of relevant documents; basis for the protestor’s status as an Interested Party; date on which the protestor first learned of the alleged improprieties, if applicable; and statement as to what relief is requested.

(e) If the Authority finds that none of the conditions set forth in Section (I)(d) apply, and a protest is timely filed pursuant to the provisions set forth in Section (2), below, the Authority will cease all further actions regarding a procurement until the protest is decided. Therefore, while such a protest is being decided, the Authority will not open bids or proposals, or award the contract if such steps have not already been taken. The Authority may, in its discretion, accept further bids or proposals to be held unopened until the protest is decided.

(f) False statements or accusations of impropriety for which the protestor fails to offer a reasonable factual basis may be grounds for a rejection of a protest.

(g) Compliance with these procedures shall be a condition precedent to the filing of any legal challenge regarding procurement by the Authority.

(2) Time for Filing Protests

(a) Protests Regarding Specifications

Protests that are based upon claims by any Interested Party that the Specifications are in any way ambiguous, incorrect, incomplete, or unduly restrictive, must be filed in accordance with Section (I)(c) of these procedures so that the Authority receives the protest no later than fourteen (14) business days prior to the closing date for receipt of initial bids or proposals.

(b) Protests Regarding Alleged Improprieties in Solicitation

Protests that are based upon claims by any Interested Party that there are improprieties regarding any type of solicitation, other than those governed by Section (2)(a), above, must be filed in accordance with Section (1)(c) of these procedures so that the Authority receives the protest within five (5) business days following the date on which the Interested Party learned of the alleged improprieties, and no later than seven (7) business days prior to the bid or proposal opening date.

(c) Post-award

Protests that are based upon alleged improprieties in any type of solicitation which are not apparent before the time periods set forth in (2)(a) and (2)(b), above, must be filed in accordance with Section (1)(c) of these procedures so that the Authority receives the protest no later than two (2) calendar weeks after receipt of notification of the identity of the apparent low bidder or of the apparent successful proposer. Late protests may, for good cause shown, be considered by the Authority in its discretion.

(d) Notice for Post-award Protests

Where a contract has already been awarded at the time a protest has been filed, the Authority shall provide written notice of the protest to the contractor that received the contract award. The Authority shall also provide a copy of the protest to that contractor.

(3) Authority's Response to Protests

(a) An award of a contract prior to the protest determination may be made when the Authority determines that: the items or services to be procured are urgently required; or delivery or performance will be unduly delayed by failure to make the award promptly; or failure to make prompt award will otherwise cause undue harm to the Authority; or the Authority determines that the process for making a determination will involve an investigation that may become lengthy.

(b) The Executive Director, or his or her designee, will give written notice to the protestor when a decision has been made by the Authority to proceed with the award prior to the protest determination pursuant to Section (3)(a), above.

(c) The Executive Director, or his or her designee, will issue a written response to each protest addressing the material issues raised by the protestor. The Authority's decision will be final and binding.

UNSOLICITED PROPOSALS

In accordance with the requirements of the Unsolicited Proposals Policy (attached as Addendum A), the Authority permits the acceptance of unsolicited proposals that conform to the statutory authority, regulations, and mission of the Authority with respect to a project which has not been initiated by the Authority (an "Unsolicited Proposal"). Each Unsolicited Proposal must include, among other requirements, a conceptual, technical, and financial proposal. Upon receipt of an Unsolicited Proposal, the Authority will make a preliminary determination of the merits of the Unsolicited Proposal and whether such proposal can be accepted without competition or that a reasonable opportunity should be afforded other entities to submit competing proposals for consideration. All costs incurred by a proposer in preparing and submitting an Unsolicited

Proposal will be borne solely and completely by the proposer. Under no circumstances will the Authority be responsible for, or otherwise obligated to reimburse, the costs incurred by the proposer in preparing and submitting an Unsolicited Proposal, whether or not the proposer is ultimately selected to develop a proposed project.

RECYCLED PRODUCTS

All products purchased by the Authority shall be recycled products, which meet contract specifications, unless the only available product does not contain recycled content, and provided that the cost of the recycled product does not exceed a cost premium of ten percent above the cost of a comparable product that is not a recycled product or, if at least fifty percent of the secondary material utilized in the manufacture of that product are generated from the waste stream in New York state, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product. For the purpose of this section, “recycled product” shall mean, any product which has been manufactured from secondary materials, as defined in Subdivision 1 of Section 261 of the economic development law, and which meets the requirements of Subdivision 2 of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto.

SUPPORT FOR MWBE FIRMS, SDVO FIRMS, AND SMALL BUSINESSES

The Authority expresses its support to encourage contracts with MWBE firms, SDVO firms, and small businesses when awarding contracts in purchasing goods, services and equipment. Hereunder, the Authority will not discriminate against any person who is qualified and available to perform the work by reason of race, color, creed, gender or national origin. The Authority will encourage active participation by MWBE firms, SDVO firms, and small businesses in its procurement process, including reviewing and referencing any available lists of such vendors and actively and affirmatively soliciting their participation through letter and telephone advisement of the coming procurement, and will fully support equal opportunity and fair treatment of all people in its contracting. For the purposes of article 15-A of the executive law only, the Authority shall be deemed a state agency as that term is used in such article, and its contracts for design, construction, services and materials shall be deemed state contracts within the meaning of that term as set forth in such article.

WICKS LAW REQUIREMENTS

Requirements regarding separate bid specifications and the award of separate contracts for three categories of work: plumbing and gas fitting; heating, ventilating and air conditioning; and electric wiring and light fixtures (commonly referred to as “Wicks Law requirements”) shall apply only to those contracts let pursuant to Section 120-w of the General Municipal Law to the extent required by the Authority’s Enabling Act and this Policy.

PREVAILING WAGES

The Authority shall comply with the prevailing wage requirements of the New York Labor Law, to the extent required by applicable law.

ADDITIONAL GOODS OR SERVICES UNDER EXISTING CONTRACTS

Where the need for additional goods or services arises under an existing contract awarded pursuant to a request for bids or request for proposals, such procurement may be made without issuing a new request for bids or request for proposals, provided that the additional goods or services were contemplated under the original request for bids or request for proposals, are provided within eighteen (18) months of the original contract entered into pursuant to the request for bids or request for proposals and the quantity of additional goods or services does not exceed thirty (30%) percent of the quantity of goods or services procured under the original contract. All communications and documentation related to the procurement of additional goods or services will be maintained in the procurement record.

LEGAL REVIEW

Contracts may only be executed after appropriate legal review by the Authority General Counsel or any special counsel so designated.

ETHICS AND CONFLICTS OF INTEREST

Each successful bidder or proposer or quoter under this Policy who will supply the Authority with goods, work, equipment, or services shall submit to the Authority, prior to acceptance of the contract relative thereto, a statement on an Authority standard form indicating that the contractor, its officers, and employees do not have a conflict of interest relative to supplying the work, equipment or services to be provided. Pursuant to the Enabling Act, it shall be a misdemeanor for any member of the governing body or any officer, agent, servant or employee of the Authority to be in any way or manner interested, directly or indirectly, in the furnishing of work, materials, supplies or labor, or in any contract therefor which the Authority is empowered by its Enabling Act.

GRANT FUNDS

Any procurement procedures required to be followed by the Authority as a condition of the receipt of any grant awarded to the Authority shall supersede any provision to the contrary set forth in this Policy.

MACBRIDE PRINCIPLES

In conducting its procurements, the Authority has voted to support and encourage adherence to the MacBride Principles, as applicable. A copy of such principles is attached hereto.

NONCOMPLIANCE

The Authority's noncompliance with the provisions of this Policy shall not alter, modify the terms of, affect the validity of, or impair any of the Authority's rights or privileges under any procurement contract to which the Authority is a party.