

BOARD OF TRUSTEES
JANUARY 15, 2015

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ITEM 1

RESOLUTION NO. 2015.01 - CONFIRMING THE ANNUAL REVIEW AND APPROVAL OF THE PROCUREMENT POLICY

WHEREAS, community colleges must procure goods and services in accordance with Article 5-A of the New York State General Municipal Law in order to ensure the prudent and economical use of public monies, and to guard against favoritism, improvidence, extravagance, fraud and corruption, and

WHEREAS, by a resolution duly adopted on September 13, 2012, this Board adopted a comprehensive procurement policy, together with procedures, governing the College's purchase of materials, equipment and supplies, as well as the acquisition of labor, construction, and professional services, and

WHEREAS, pursuant to General Municipal Law §104-b, such policy and procedures must be annually reviewed and approved by the Board of Trustees, be it therefore

RESOLVED, that this Board hereby confirms its review of the "Procurement Policy," (Attachment I) adopted on September 13, 2012, and be it further

RESOLVED, that the "Procurement Policy" is hereby approved for use by the College for the calendar year 2015.



PROCUREMENT POLICY

A. INTENT

Community colleges must procure commodities and services in accordance with Article 5-A of the New York State General Municipal Law. This law is designed to ensure the prudent and economical use of public monies and facilitate the acquisition of quality goods or services at the lowest possible cost, as well as to guard against favoritism, improvidence, extravagance, fraud and corruption.

It is the intent of this policy and these procedures to set forth the procurement requirements for Suffolk County Community College, and to ensure full compliance with the law. Such policy and procedures shall be reviewed annually by the Board of Trustees, in accordance with General Municipal Law, Section 104-b.

B. PURCHASE CONTRACTS IN EXCESS OF \$20,000

1. Purchase contracts are those solely concerned with the purchase of materials, equipment and supplies ("commodities"), such as paper goods, books, food products, office equipment, various machinery and clothing.

2. All purchase contracts which, on a College-wide basis, are reasonably anticipated to involve an expenditure of more than \$20,000 over the course of a College fiscal year (September 1 – August 31) are to be awarded to the lowest responsible bidder who has furnished the required security after advertisements for sealed bids; or, alternatively, to the bidder whose bid represents the best value to the College. A determination of "best value" shall be based upon an objective and quantifiable analysis of a bidder's ability to optimize quality, cost and efficiency.

3. The splitting of purchases in order to evade the monetary threshold of the NYS General Municipal Law constitutes a violation of this law and is strictly prohibited.

C. PUBLIC WORKS CONTRACTS IN EXCESS OF \$35,000

1. Contracts for public works encompass contracts for nonprofessional services, labor or construction, such as vehicle repair and maintenance, liquid and solid waste removal, painting, and building construction and renovation.

2. All contracts for public works involving an expenditure of more than \$35,000 are to be awarded to the lowest responsible bidder who has furnished the required security after advertisements for sealed bids.

D. EXCEPTIONS TO PUBLIC BIDDING REQUIREMENTS

The College is not required to competitively bid purchase contracts in excess of \$20,000 or public works contracts in excess of \$35,000 under the following specified circumstances, or as otherwise authorized by New York State or federal law:

1. **Preferred Sources.** A "Preferred Source" is a designated vendor or service provider, who, in an effort to advance certain social and economic goals, has received special provider status, and is exempt from statutory competitive procurement guidelines. The Preferred Sources include the *Department of Correctional Services*, the *Industries for the Disabled*, the *Industries for the Blind* and the *Office of Mental Health*. It is the obligation of the College to procure commodities and services from a designated preferred source whenever possible. The "List of Preferred Source Offerings" can be found on the NYS Office of General Services website at www.ogs.ny.gov/procurecounc/pdfdoc/PSList.pdf

2. **NYS Office of General Services.** Purchases of materials, equipment, food products or supplies (except printed material) and contracts to obtain services may be made through contracts procured by the New York State Office of General Services (OGS). See, <http://ogs.ny.gov/purchase/pdfdocument/Guide.pdf>.

3. **County Contracts.** Purchases of commodities and contracts to obtain services (other than services which require the payment of prevailing wages, pursuant to the NYS Labor Law) may be made through competitively bid county contracts, where such contracts contain language specifically authorizing governmental entities covered by General Municipal Law sec. 103 to do so.

The College may utilize and implement County of Suffolk contracts for services which require the payment of prevailing wages, pursuant to the NYS Labor Law, when such contracts are for public work to County-owned real property and/or County-owned buildings or improvements, held in trust for the uses and purposes of the College, pursuant to the NYS Education Law.

With respect to Suffolk County or other County contracts for services, prior authorization to utilize such contracts must be obtained.

4. **Emergencies.** Commodities may be purchased and contracts for public works may be authorized without undergoing the competitive bidding process in the case of a public **emergency arising out of an accident or other unforeseen occurrence or conditions** whereby circumstances affecting public buildings, public property, or the life, health, or safety of persons require immediate action. The determination as to whether an "emergency" exists shall be made prior to any purchase or authorization for a contract for public works by the Office of Legal Affairs, in consultation with the Administrative Director of Business Operations, or his/her designee.

5. **Sole Source Vendor.** This exception applies only when the College requires particular supplies, materials, equipment, or services, which uniquely serve its interests and for which there is no substantial equivalent. Procurement by this method must be documented by the submission to the Administrative Director of Business Operations of a *Sole Source Approval Form*, setting forth the following: (i) the unique nature of the requirement; (ii) the basis upon which it was determined that there is only one known vendor able to meet the need (*i.e.*, the steps taken to identify potential providers); and (iii) the basis upon which the cost was determined to be reasonable (*i.e.*, a fair market price was inferred based upon the sole source provider's product catalogs, published price lists and the like).

6. **Surplus and Second-Hand Supplies.** Purchases of surplus and second-hand supplies, materials or equipment may be made directly from the Federal government, the State of New York or from any other political subdivision, district or public benefit corporation within the State of New York.

7. **Professional Services.** There is a well-established exception to the public bidding requirements for "professional" services. Generally, "professional" services involve specialized skill, training and expertise, use of professional judgment or discretion, and/or a high degree of creativity. **The requirements for procuring professional services are addressed below, at paragraph J.**

E. PREPARATION OF BID SPECIFICATIONS

The College's departments and offices have broad discretion to fix reasonable standards and requirements that bidders are obliged to observe. Specifications must be drafted to allow bidders providing reasonably equivalent commodities (for purchase contracts) or nonprofessional, labor or construction services (for public works contracts) to compete on an equal, common basis.

1. **Purchase Contracts**

(a) The Administrative Director of Business Operations shall coordinate preparation of bid specifications in consultation with the requesting College department or office.

2. **Public Works Contracts**

(a) The Administrative Director of Business Operations shall coordinate preparation of bid specifications in consultation with the requesting College department or office and/or any engineering or architectural consultant retained by the College for that purpose.

(b) Such bid specifications shall require that bidders submit a statement detailing if and/or how they will utilize the services of Minority and Women-owned Business Enterprises ("MWBEs") if awarded the contract.

(c) Such bid specifications shall also include a copy of the Suffolk County Community College Project Manual, as well as the appendices set forth herein at paragraph (J)(2)(e)(v).

F. DETERMINATION OF THE LOWEST RESPONSIBLE BIDDER

The mere fact that a particular bidder is the lowest dollar bidder does not establish an entitlement to the award of the contract. The awarding officer must examine the low bidder's background and make a factual determination as to whether the bidder is a "responsible bidder." "Responsibility" generally involves a bidder's qualifications and ability to perform in accordance with the terms and conditions of the contract. "Responsibility" also encompasses such factors as financial ability to complete the contract, accountability, reliability, skill, past performance, judgment and integrity.

1. **Purchase Contracts**

(a) The Administrative Director of Business Operations shall coordinate all aspects of the public bid opening, including documenting all proposals submitted. The Director shall thereafter make a determination, in writing, as to which bidder is the lowest responsible bidder, and shall advise the requesting department or office, as well as the Office of Legal Affairs, accordingly. The provisions of Suffolk County Code, Section A4-14 (Local Preference Law), shall be complied with in making such a determination.

(b) If a purchase contract is recommended to be awarded to other than the lowest dollar bidder, the Administrative Director of Business Operations shall submit to the

Office of Legal Affairs, in writing, the justification for such a determination, including why such an award furthers the interests of the College.

2. **Public Works Contracts**

(a) The Executive Director of Facilities and/or the Administrative Director of Educational Facilities shall coordinate the formation of a Bid Evaluation Committee, which shall be comprised of specified personnel from the requesting department or office, as well as administrative personnel. Such committee shall meet, as necessary, to evaluate the public bids received, and shall make a timely recommendation of the lowest responsible bidder to be awarded a contract to the Administrative Director of Business Operations. The provisions of Suffolk County Code, Section A4-14 (Local Preference Law), shall be complied with in making such a determination.

G. **AWARD OF PUBLIC WORKS CONTRACTS**

A resolution authorizing the award of a public works contract for construction shall be prepared by the Office of Legal Affairs, in accordance with the requirements of the Board of Trustees. If the Board, in its discretion, approves such a resolution, the Office of Legal Affairs shall coordinate the preparation, execution, distribution and implementation of such contract.

1. **Change Orders and Amendments to Public Works Contracts for Construction**

(a) In the administration of public works contracts, change orders or amendments might be necessary for prompt and effective completion of a construction project. Such change orders or amendments shall be authorized in accordance with the following rules:

Change orders and amendments shall be divided into two classes – minor and major.

(i) **Minor change orders and amendments** shall be those having a value less than \$20,001 or 10% of the public works contract, whichever is the smaller amount.

(ii) **Major change orders and amendments** shall be all those having greater value than minor change orders and amendments

(b) The President, or his/her designee, is authorized to approve individual minor change orders and amendments, provided there are sufficient appropriated funds to

support such change order, and the project cost, together with the change order, remains under the budget allocated for such project. In those cases where the aggregate of the minor change orders and amendments for any one prime contract exceeds \$100,000 or 15% of the public works contract, whichever is the smaller amount, that condition with appropriate explanation shall be reported to the Board of Trustees by the Executive Director of Facilities at the next scheduled meeting.

(c) The Board of Trustees shall approve all major change orders and amendments.

(d) In limited circumstances, the President, is authorized to conditionally approve major change orders and amendments if there is reason to believe that to wait for the next regularly-scheduled meeting of the Board of Trustees would compromise the progress of the construction project. Such a change order may be authorized only if there are sufficient appropriated funds to support such change order, and the project cost, together with the change order, remains under the budget allocated for such project. In such cases, the change order or amendment shall not be binding on the Board of Trustees until it is confirmed by the Board at its next regularly-scheduled meeting.

H. **POLICY AND PROCEDURES FOR PURCHASES OF \$20,000 AND UNDER**

If the monetary threshold for the purchase of commodities is not reasonably anticipated, on a College-wide basis, to exceed \$20,000 over the course of a fiscal year, the following procedures shall be followed:

1. **\$0.01 - \$100.00.** Direct purchase at the discretion of the requesting department or office. A Payment Transmittal Form should be submitted directly to Accounts Payable.
2. **\$100.01 - \$1,000.00.** Purchases may be made at the discretion of the requesting department or office only upon the written approval of the Administrative Director of Business Operations, after his/her determination that such purchase is reasonable and in the best interests of the College.

(a) Such approval shall be documented, as follows:

Utilizing *Banner*, the requesting department or office shall prepare an **Electronic Requisition** for the purchase, and forward it to the Campus Business Officer, who shall, after review, forward it via *Banner*, to the Purchasing Technician. The Purchasing Technician thereafter converts the requisition into a **Purchase Order**. The Purchase Order is then reviewed and approved by the Administrative Director of Business Operations. After the approved Purchase Order is printed, an email will be sent, via

Banner, to the requesting department or office, confirming the approved Purchase Order number. The Administrative Director of Business Operations, or his/her designee, shall thereafter mail the Purchase Order to the vendor. In appropriate circumstances, purchase orders may be faxed, provided instructions to do so are properly indicated on the requisition under "document text."

3. **\$1,000.01 – \$20,000.00.** Written quotes from at least three (3) vendors, upon the written approval of the Administrative Director of Business Operations, after his/her determination that such purchase is reasonable and in the best interests of the College.

(a) Written quotes should be obtained via vendor email or fax. Obtaining such quotes via the Internet only is discouraged. Such written quotes shall be documented on a *Price Quotation Form*, which shall be submitted to the Administrative Director of Business Operations. In addition, the following procedure shall be followed:

Utilizing *Banner*, the requesting department or office shall prepare an **Electronic Requisition** for the purchase, and forward it to the Campus Business Officer, who shall, after review, forward it, via *Banner*, to the Purchasing Technician. The Purchasing Technician thereafter converts the requisition into a **Purchase Order**. The Purchase Order is then reviewed and approved by the Administrative Director of Business Operations. After the approved Purchase Order is printed, an email will be sent, via *Banner*, to the requesting department or office, confirming the approved Purchase Order number. The Administrative Director of Business Operations, or his/her designee, shall thereafter mail the Purchase Order to the vendor. In appropriate circumstances, purchase orders may be faxed, provided instructions to do so are properly indicated on the requisition under "document text."

(b) A good faith effort shall be made to obtain the required number of quotations. If, for any reason, the requesting department or office is unable to obtain the requisite number of quotations, such department or office shall properly document, on the *Price Quotation Form*, the reasons why such quotes could not be obtained, and the efforts made to acquire the required quotes.

I. POLICY AND PROCEDURES FOR PUBLIC WORKS OF \$35,000 AND UNDER

1. If the monetary threshold for the procurement of non-capital public works projects is not reasonably anticipated to exceed \$35,000, the following procedures shall be followed:

(a). **\$1.00 - \$1,000.00.** Direct authorization at the discretion of the requesting department or office, only upon the written approval of the Administrative Director of Business

Operations, after his/her determination that such procurement is reasonable and in the best interests of the College.

(i) Such approval shall be documented, as follows:

Utilizing *Banner*, the requesting department or office shall prepare an **Electronic Requisition** for the procurement, and forward it to the Campus Business Officer, who shall, after review, forward it via *Banner*, to the Purchasing Technician. The Purchasing Technician thereafter converts the requisition into a **Purchase Order**. The Purchase Order is then reviewed and approved by the Administrative Director of Business Operations. After the approved Purchase Order is printed, an email will be sent, via *Banner*, to the requesting department or office, confirming the approved Purchase Order number. The Administrative Director of Business Operations, or his/her designee, shall thereafter mail the Purchase Order to the vendor. In appropriate circumstances, purchase orders may be faxed, provided instructions to do so are properly indicated on the requisition under "document text."

(b) **\$1,000.01 – \$35,000.00.** Written quotes from at least three (3) service providers, upon the written approval of the Administrative Director of Business Operations, after his/her determination that such procurement is reasonable and in the best interests of the College.

(i) Written quotes should be obtained via vendor email or fax. Obtaining such quotes via the Internet is not permitted. Such written quotes shall be documented on a *Price Quotation Form*, which shall be submitted to the Administrative Director of Business Operations. In addition, the following procedure shall be followed:

Utilizing *Banner*, the requesting department or office shall prepare an **Electronic Requisition** for the procurement, and forward it to the Campus Business Officer, who shall, after review, forward it, via *Banner*, to the Purchasing Technician. The Purchasing Technician thereafter converts the requisition into a **Purchase Order**. The Purchase Order is then reviewed and approved by the Administrative Director of Business Operations. After the approved Purchase Order is printed, an email will be sent, via *Banner*, to the requesting department or office, confirming the approved Purchase Order number. The Administrative Director of Business Operations, or his/her designee, shall thereafter mail the Purchase Order to the vendor. In appropriate circumstances, purchase orders may be faxed, provided instructions to do so are properly indicated on the requisition under "document text."

(ii) A good faith effort shall be made to obtain the required number of quotations. If, for any reason, the requesting department or office is unable to obtain

the requisite number of quotations, such department or office shall properly document, on the *Price Quotation Form*, the reasons why such quotes could not be obtained, and the efforts made to acquire the required quotes.

2. If the monetary threshold for the procurement of public works projects involving the expenditure of capital funds is not reasonably anticipated to exceed \$35,000, the procurement procedures established by the County of Suffolk shall be followed.

J. THE PROCUREMENT OF PROFESSIONAL SERVICES

1. Contracts for services that involve specialized skill, training, knowledge, expertise, technical skill and the use of professional judgment are considered "professional service" contracts, which are excluded from the competitive bidding requirements of the General Municipal Law. Even so, such services must be procured in such a manner so as to assure the prudent and economical use of College monies, and to facilitate the acquisition of such services of maximum quality at the lowest possible cost under the circumstances. The Guidelines for the Procurement of Consultant, Concessionaire and Other Services or the Guidelines for Selecting Engineering and Architectural Consultants, and Suffolk County Code, Section A4-13 (Local Preference Law) shall be complied with in making such a determination.

(a) The College's "Request for Proposals (RFP) Model" shall be utilized by all College departments and offices seeking the procurement of professional services, and can be accessed on the College's website. Questions pertaining to preparing such RFPs may be directed to the Administrative Director of Business Operations and/or the Office of Legal Affairs.

(b) The RFP Model shall require that proposers submit a statement detailing if and/or how they will utilize Minority and Women-owned Business Enterprises ("MWBEs") if awarded the contract.

2. Guidelines for the Procurement of Consultant, Concessionaire and Other Services

(a) Architectural and engineering services are addressed in paragraph (J)(3) of these guidelines

(b) "Consulting services" shall mean the expertise, advice, professional services, or any other personal services provided by any individual, association, proprietorship, partnership, corporation, or joint venture by contract with Suffolk County Community College including, but not limited to, planning work, grant writing, legal, computer, telecommunications, network, accounting, or educational services.

(c) "Concessionaire services" shall mean any activity to be authorized by the College in which revenue is to be derived by the College, either as a result of the sole efforts of the concessionaire or as a result of joint efforts by the concessionaire and the College. This shall include any arrangement by which the College derives services, without the expenditure of funds, in exchange for services or promotional opportunities provided by the College.

(d) "Other services" shall mean any service not included in the paragraphs (b) or (c) and not excluded by paragraph (a), above, including leases of personal property, providing of customized software or computer systems, providing of software licenses, sign interpreting, and similarly unique services.

(e) Requests for Proposals (RFPs) and Award of Contracts for Consultant Services having a cost greater than \$10,000, or for Concessionaire Services having a fair market value of greater than \$10,000

- (i) The department or office seeking the issuance of an RFP shall obtain from the Office of Legal Affairs a copy of the current RFP model.
- (ii) Such department or office shall be responsible for the preparation and development of the RFP, based on the current RFP model. The administrative boilerplate in the RFP may not be changed without authorization from the Office of Legal Affairs. The initiating office shall involve in the development process the Office of Business and Financial Affairs and such other offices as will be affected by the services performed.
- (iii) The RFP must include an overview of the services to be procured as well as detailed technical specifications, and should include a model contract, which may be subject to negotiation prior to award of the contract. The model contract is to be prepared by the Office of Legal Affairs.
- (iv) The RFP shall state that the model contract is subject to revision arising out of terms and conditions imposed by law and/or deemed appropriate by the Office of Legal Affairs. The Office of Legal Affairs and the Office of Business and Financial Affairs should be consulted for assistance in structuring and preparing complex RFPs.
- (v) The RFP should include the following Appendices and any others as determined by the Office of Legal Affairs:

- Suffolk County Code, Section A5-7, Local Law 28-1993; "Contractors and Vendors Required to Submit Full Disclosure Statement";
 - County of Suffolk Contractor's Vendor's Public Disclosure Statement (SCEX Form 22);
 - Suffolk County Affirmative Action Contracting Requirements;
 - Suffolk County Code Article II, Disqualification of Non-responsible Bidders, Ref. Local Law No. 25-1990;
 - Notice of Bidders, Ref. Local Law 25-1990;
 - Bid Certification, Form SCDP-7;
 - Suffolk County Code, Chapter 386 "Political Parties, Gifts to Officials of," Local Law No. 32-1980;
 - Suffolk County Code of Ethics, Article XXX, Sections A30-a through A30-7;
 - Suffolk County Local Law No. 4-1993, a Local Law to Promote Local Business for County Consulting Work;
 - Agreement on Terms of Discussion.
- (vi) The department or office is responsible for the production of one electronic copy of the RFP, after the completion of the review process, and for providing an electronic copy of the RFP.
- (vii) The Office of Business and Financial Affairs shall coordinate the issuance of the RFP, including placing an advertisement in newspapers, mailing (or e-mailing) the RFP to all known qualified service providers or concessionaires, as applicable, placing it on the College website, developing evaluation team procedures, and award of contract.
- (viii) The initiating officer (which shall be a Vice President, Executive Dean or Chief Financial Officer) shall determine the membership of the evaluation team prior to the issuance of the RFP. The Office of Business and Financial Affairs shall be represented on the team. The chair of the evaluation team, as designated by the initiating officer, shall communicate the recommendation of the evaluation team regarding the award of a contract to the initiating officer.
- (vix) The decision to award a contract shall be based on the ability of the service provider or the concessionaire to provide quality services and to comply with all applicable laws, rules and regulations. Evaluation criteria shall include review of the qualifications of the proposer, its financial stability, prior experience with similar projects, proposed technical strategies/methodologies, and the proposed schedule of fees. Based on

the evaluation criteria, the College need not necessarily choose the proposer with the lowest proposed fee for services. The award of any contract will be determined in accordance with the best interests of the College.

- (x) The Office of Business and Financial Affairs shall be responsible for notifying the Office of Legal Affairs that the contract is to be awarded so that the contract may be prepared. In the event that further contract negotiation is required with the successful proposer, the Office of Business and Financial Affairs shall arrange such meetings as may be appropriate.
 - (xi) The Office of Legal Affairs shall prepare a final contract, obtain all required signatures, and distribute copies of the contracts, as appropriate.
- (f) Requests for Proposals (RFPs) and Award of Contracts for Consultant Services having a cost less than \$10,000 and more than \$1,000
- (i) Three written quotes shall be obtained and the department or office seeking such quotes shall recommend to the Office of Business & Financial Affairs the party to be awarded the contract.
 - (ii) The President or his/her designee shall be authorized to execute such contract.
- (g) Consultant services having a cost of \$1,000 and under may be procured directly by the initiating department or office.

3. **Guidelines for Selecting Architectural and Engineering Consultants**

- (a) The selection of architectural and engineering consultants shall be governed by the following principles:
 - (i) A list of qualified firms shall periodically be established. Based upon the approved capital program, the College shall anticipate its need for consulting projects which will involve fees of more than \$50,000 but less than \$250,000 ("minor project"). All known firms shall be invited to submit a statement of qualifications to perform services on such projects and an invitation to submit qualifications shall be published in the official County newspapers. The College administration shall evaluate the qualifications of each firm responding and shall recommend to the Board a list of up to ten firms in each specialty area. Only firms with a principal place of business in Nassau/Suffolk and with CADD

capability shall be included on the list, unless such limitations result in fewer than three qualified firms. The list of qualified firms thus approved shall be the firms who will be solicited for proposals as the need for consultants arises during the implementation of the capital program.

(ii) As the actual need for consultant services shall arise, a Request for Proposal shall be sent to firms qualified for the specialty. At least three firms will be solicited for each project and all of the qualified firms will be solicited if it is anticipated that the value of the services will exceed \$50,000. In circumstances when no current list of approved qualified firms in the specialty area exists, the Request for Proposal shall be sent to all known firms in Nassau/Suffolk practicing in the specialty, and to firms located elsewhere, if necessary.

(iii) In the event it is anticipated that the value of the consulting services shall exceed \$250,000 ("major project"), the Request for Proposals shall be published in the official County newspapers. The Request for Proposals shall specify the services needed, the selection criteria and, if known, the construction budget for the project.

(b) The selection process shall involve criteria and a point system. Each firm shall submit a proposal which includes the special qualifications of the firm for the services requested, included the name(s) of the firm member(s) who will be providing the services and their resumes, references for projects of a similar nature, the availability of the firm's staff for the proposed time table, the strategy or process through which the firm would respond to the College's need, and the cost.

Points will be assigned as follows:

(i) Up to 40 points for the general and specialized qualifications of the firm for the services requested, as follows:

- Technical expertise of the firm (5) and the firm's assigned team (5)
- References (15) reflecting the work encompassed by the RFP
- Experience (15) related to carrying out the objectives of the engagement

(ii) Up to 40 points for the strategy or process proposed to respond to the project as follows:

- Ability to meet proposed deadlines (5)
- Familiarity with the project and the resulting proposed strategy (10)
- Recognition of the issues and problems (10)

- Innovative and creative ideas that appear to be appropriate for the College (10)
- Effective strategies for receiving input and feedback during the process (5)

(iii) Up to 20 points for the cost proposal, as follows:

- Total cost (12)
- Record of staying within cost (4)
- Realism of proposal (4)

(iv) Depending upon the specific nature of a capital project, the point system may be varied by the President or his/her designee to adjust the importance of individual categories.

(c) Each of the proposals submitted shall be reviewed in accordance with the criteria above by a selection committee consisting of at least three individuals appointed by the President and/or his designee. Firms shall be interviewed, when appropriate. The selection committee will assign points to each proposal and the best qualified firm will be selected. The President or his/her designee shall be authorized to execute agreements for consultant services.

(d) All fees paid shall not exceed the Guidelines for Consulting Fees distributed by the Office of the Suffolk County Comptroller. The award shall normally be for a negotiated, fixed fee, which shall not exceed a designated sum, and payment of said fee shall be calculated in accordance with the consultant's hourly wage rate schedule. In the event additional work is requested in writing by the College following the award of the contract, the consultant shall be entitled to an additional fee. The contract shall specify the basis for computing any additional fees. Additional work would normally only be requested to accommodate a change by the College in the scope of the project or as a result of an unknown condition. In the event the fee agreed upon shall be a percentage of the construction cost, no additional fee shall be payable when the additional services are reflected in the higher cost of the project upon which the fee shall be based. In either a fixed fee or percentage fee situation, no additional fees shall be payable for the additional work of preparing new designs and/or specifications to bring the project within budget when the construction budget was known to the consultant prior to the award. Additional services involving in excess of \$30,000 shall be subject to approval by the Board and all contract amendments shall be subject to approval by the Board.

(e) The Board member designated as the Board's liaison to the College administration on capital projects shall be kept informed of each RFP sent out to architectural or engineering firms, and, if it is for a major project (fee is over \$250,000), the Board shall authorize the award to the firm. In the event only one firm responds to the RFP, then the award, regardless of the amount, shall be subject to approval by the Board.

(f) Appropriate provision shall be made in all agreements for the requirements of the County of Suffolk, including all mandatory appendices, the State of New York, and the State University of New York. When appropriate, the requirement of the Dormitory Authority shall also be included.

(g) The President, or his/her designee, is authorized to approve additional services having a value of less than \$30,001. In those cases where the aggregate of several requests for additional services within any one agreement reaches \$50,000, that condition with appropriate explanation shall be reported to the Board of Trustees at the next scheduled meeting.

(h) In cases where the value of the additional services exceeds the dollar amount stipulated in the paragraph immediately above, or when the amount of the additional services causes the new value of the agreement to equal or exceed the amount specified for minor projects, the Board of Trustees shall review the proposed additional services and specifically authorize its approval.

Board of Trustees
September 13, 2012

ITEM 2

RESOLUTION NO. 2015.02 - APPROVING MONTHLY SPONSOR SERVICES FOR SUFFOLK COUNTY COMMUNITY COLLEGE

WHEREAS, the State University of New York Regulation No. 602.7 requires the Suffolk County Community College Board of Trustees to review and approve all Sponsor provided services and their estimated value in advance of the service being rendered, and

WHEREAS, the regulation also requires the approval of the payment of each Sponsor Service satisfactorily performed, and

WHEREAS, health insurance is considered a Sponsor Service, be it therefore

RESOLVED, that the health insurance payment to the County of Suffolk in the amount of \$2,006,742.00 for the month of December 2014 (Attachment II) is hereby approved by the Board of Trustees.

COUNTY OF SUFFOLK



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

Board of Trustees
January 15, 2015
Attachment II

DEPARTMENT OF CIVIL SERVICE/HUMAN RESOURCES
DIVISION OF EMPLOYEE SERVICES

ALAN SCHNEIDER
PERSONNEL DIRECTOR

TO: Deborah Lesser
SCCC – Business & Financial Affairs
NFL Rm. 232, College Road Selden

FROM: Deidre DeSimone
Suffolk County Department of Civil Services
Employees Services Unit

DATE: December 1, 2014

SUBJ: SCCC December Premium Due for Employee Medical Health Plan of Suffolk County
Fund 818

A R T

271 232 503
772 440 1212

2 1 3
3 3 6

1048 676 1724

2 - 2

1050 676 1726

December 2014

Coverage	Premium	# Employees	Total
71 EMHP Indiv.	718.21	503 ✓	361,259.63
72 EMHP Family	1,531.95	1212 ✓	1,856,723.40
HMO's			
31 HIP Indiv.	803.76	3 ✓	2,411.28
32 HIP Family	1,969.21	6 ✓	11,815.26
Blue Choice Indiv.	1,163.34	0	0.00
Blue Choice Family	3,024.69	0	0.00
JOB SHARE (PLAN RATES)			
71 Individual	733.69	2	1,467.38
72 Family	1,564.96	0	0.00
Total Premium 11/14			1726 \$2,233,676.95

Attachment: Enrollee List

A= Active
R= Retired
T= Total

Plus: 7 family 10,723.65
less: Medicare reimbursement (237,658.60)

2,056,742.00

ITEM 3

RESOLUTION NO. 2015.03 - ADOPTING A TOBACCO-FREE POLICY

WHEREAS, tobacco-use on college campuses is a serious public health issue in New York State and throughout the United States, and

WHEREAS, in June 2012, the State University of New York (SUNY) Board of Trustees adopted a resolution to support a "Tobacco-Free SUNY" policy and the enactment of New York legislation that bans the use of tobacco on grounds and facilities and in vehicles owned, leased or controlled by SUNY, and

WHEREAS, SUNY has recommended that community colleges in New York that are not state-operated also consider taking appropriate steps to adopt tobacco-free policies, and

WHEREAS, Suffolk County Community College surveyed all members of the College community, which revealed overwhelming support for a tobacco-free policy, and

WHEREAS, this Board, by a resolution duly adopted on February 20, 2014, expressed support for County of Suffolk legislation which would facilitate a tobacco-free policy for Suffolk County Community College, and

WHEREAS, on April 29, 2014, the Suffolk County Legislature adopted a local law which authorized and empowered this Board to adopt additional restrictions on smoking and tobacco- use on College property, including the adoption of a tobacco-free policy, be it therefore

RESOLVED, that the Tobacco-Free Policy, as set forth in Attachment III, be and the same is, hereby, approved and adopted, and be it further

RESOLVED, that said Policy shall be effective as of August 27, 2015.



TOBACCO-FREE POLICY

I. Introduction

Scientific evidence overwhelmingly demonstrates that smoking and tobacco-use causes millions of deaths worldwide each year of smokers and non-smokers, alike. Suffolk County Community College believes that since good health is an essential component of a successful workplace and educational experience, College faculty, staff and students must be provided with a healthy, safe and comfortable working and learning environment. The *Tobacco-Free Policy* is designed to promote respect for others and the environment, and relies largely on the consideration and cooperation of tobacco users and non-users for its successful implementation.

II. Definitions

- A. Association. Suffolk Community College Association, Inc.
- B. College. Suffolk County Community College, which encompasses its three campuses (Michael J. Grant, Ammerman and Eastern), the Culinary Arts and Hospitality Center, and the Sayville Downtown Center.
- C. College Property. Any property owned, leased or operated by Suffolk County Community College.
- D. Smoking. The combustion of any tobacco product or any similar article or combustible substance, in any manner or in any form, or the heating or ignition of an electronic cigarette.
- E. Tobacco. All tobacco and tobacco-derived products, including, but not limited to, cigarettes, cigars, hookah-smoked products, clove cigarettes, electronic cigarettes, and smokeless tobacco. This definition does not include any product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco-use cessation product.

III. Policy

A. Smoking is prohibited on College property, both indoors and outdoors, as well as in College- and Association-owned or leased vehicles. Individuals are permitted to smoke in their own vehicles in parking lot areas only.

B. This policy applies to all students, employees, visitors, vendors and contractors.

IV. Compliance

A. Cooperation. Enforcement of this policy will depend on the cooperation of all members of the College community, both to comply, personally, and to encourage others' compliance.

B. Communication. The *Tobacco-Free Policy* will be widely and regularly disseminated through all available channels, including the College website, College briefs, public announcements, signage, and employee and student publications.

C. Education. Non-compliance with the *Tobacco-Free Policy* will prompt an initial educational response, including information regarding the existence of the policy, the rationale for the policy and the availability of smoking cessation support services both on and off campus.

D. Resolution. Repeated non-compliance will be resolved in accordance with the appropriate student conduct or employee discipline policies. Employees and students will be treated respectfully in the consistent observance of the policy.

V. Cessation

Understanding the addictive nature of tobacco-use and that breaking such addiction is difficult for many, the College will make reasonable efforts to assist those employees and students who wish to stop using tobacco. Students can access smoking cessation programs and services at the College's Health Services Offices. Employees can access smoking cessation support services through the Employee Medical Health Plan or through their

respective union-offered plans. Additionally, the New York State Smokers' Quitline can be accessed online at www.nysmokefree.com.

VI. Policy Review

The College will establish a Tobacco-Free Evaluation Committee which will meet regularly in order to identify and address needs and concerns related to this policy, including implementation, communication, compliance, enforcement and cessation resources.

VII. Effective Date

This policy shall be effective as of August 27, 2015.

ITEM 4

RESOLUTION NO. 2015.04 - APPOINTING DIRECTORS TO THE BOARD OF THE SUFFOLK CENTER ON THE HOLOCAUST, DIVERSITY & HUMAN UNDERSTANDING, INC.

WHEREAS, the by-laws of The Suffolk Center on the Holocaust, Diversity & Human Understanding, Inc. provide for the Board of Trustees to appoint the members of its Board of Directors, and

WHEREAS, there are vacant positions on the Board, and

WHEREAS, Robert K. Sweeney has been nominated to fill such vacancy and his credentials have been received (Attachment IV), be it therefore

RESOLVED, that the CHDHU Board hereby recommends to the College Trustees the appointment of the following person to the Board of Directors of The Suffolk Center on the Holocaust, Diversity & Human Understanding, Inc. for a term ending September 1, 2018, effective upon appointment.

Name

Robert K. Sweeney



***The Suffolk Center on the Holocaust,
Diversity & Human Understanding, Inc.***

December 15, 2014

**RESOLUTION NO. 01-2015 APPOINTING A DIRECTOR TO THE BOARD OF
THE SUFFOLK CENTER ON THE HOLOCAUST, DIVERSITY & HUMAN
UNDERSTANDING, INC.**

Adopted by vote, 7 in favor, 0 opposed, and 4 absent. Motion adopted as of December 11, 2014.

WHEREAS, the by-laws of The Suffolk Center on the Holocaust, Diversity and Human Understanding, Inc. provide for the College Board of Trustees to appoint the members of the CHDHU Board of Directors, and

WHEREAS, there are vacant positions on the Board, and

WHEREAS, Robert K. Sweeney has been nominated to fill such vacancy and his credentials have been reviewed, be it therefore

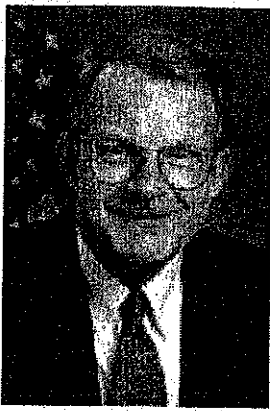
RESOLVED, that the Board hereby recommends to the College Trustees the appointment of the following person to the Board of Directors of The Suffolk Center on the Holocaust, Diversity and Human Understanding, Inc. for a term ending September 1, 2018, effective upon appointment.

Name

Robert K. Sweeney

Rabbi Moss

Rabbi Moss, Secretary
Board of Directors



Assemblyman
Robert K. Sweeney

Assembly District 11

Chair, Environmental Conservation Committee

Assemblyman Bob Sweeney is a lifelong resident of the 11th A.D. in the Town of Babylon. A graduate of Lindenhurst Public Schools, Mr. Sweeney received his Bachelor's degree from Adelphi University and a Master of Public Administration from C.W. Post.

Prior to his election to the Assembly, Mr. Sweeney served 14½ years as Lindenhurst Village Clerk. During that time, he received his designation as a Certified Municipal Clerk (CMC), held by less than 5% of all municipal clerks in New York State. He is also a past president of the New York State Association of City and Village Clerks.

Mr. Sweeney was elected to the New York State Assembly in a special election held March 1988.

Actively involved in the area of health care, Assemblyman Sweeney has authored legislation dealing with health insurance and care for diabetes and breast cancer. In 1995, Sweeney received the National Public Policy Leadership Award from the American Diabetes Association. Assemblyman Sweeney was the sponsor of landmark legislation that requires that most health insurance contracts and health maintenance organizations in New York provide coverage for diabetes self-management education, equipment and supplies.

Assemblyman Sweeney sponsored legislation requiring health insurance coverage for reconstructive surgery following a mastectomy, and a law to help detect breast cancer at its earliest stage, that requires mammography providers to determine from their patients prior to conducting a mammogram whether a CBE (Clinical Breast Exam) has been done. If there has not been a recent CBE, that information must be conveyed to the patient's regular healthcare provider. He authored a 1999 law that prevents disqualification of persons who have had cancer from adopting a child.

Assemblyman Sweeney also sponsors an annual Senior Health Fair. Services provided at the health fair have included cholesterol and blood sugar checks, audiology, podiatry, respiratory screening, blood pressure checks and flu shots. Sweeney also sponsors local free prostate cancer checkups, which have screened thousands for cancer.

Assemblyman Sweeney sponsored the legislation authorizing the creation of the Broad Hollow Bioscience Park, a collaborative effort between Farmingdale State College and Cold Spring Harbor Laboratory that aids in the development and advancement of academic and hi-tech industries and which offers many students the opportunity of internships. Farmingdale was able to lease land for the construction of the Bioscience Park on campus thanks to a Sweeney sponsored law that allowed the unprecedented partnership between business and the State University system.

As Chairman of the Legislative Commission on Science and Technology, Assemblyman Sweeney sponsored and promoted legislation on genetic testing that established New York State as a leader in developing public policy on the issue.

A leader in economic development efforts, Assemblyman Sweeney has successfully worked to establish programs that assist small business, especially defense-dependent manufacturers and high-tech businesses. He received the 1995 Initiative Award from ADDAPT, a consortium of over 100 downstate manufacturing firms, and a 2001 award from the Environmental Business Association.

Assemblyman Sweeney sponsored boating safety legislation described as a milestone in promoting boating safety education, increased marine enforcement and strengthening of boating while intoxicated (BWI) laws. As Vice-Chairman of the Legislative Commission on Critical Transportation Choices, he sponsored legislation to require nighttime construction for highway construction projects.

Assemblyman Sweeney has received numerous awards for his dedication to the highest ideals of creating conservation legislation for the New York Marine district. He secured funding for construction of a Recreational Fishing and Aquaculture Center at Cedar Beach Marina, Town of Babylon, to promote education and knowledge of our marine resources.

In 2009, Assemblyman Sweeney authored a state law allowing towns to finance homeowner's home energy improvements by defining carbon emissions as "waste". This idea was pioneered by the Town of Babylon, and greatly expanded energy efficiency projects there, lowering homeowner's energy costs and creating new green jobs.

Sweeney authored the law strengthening and expanding drug free school zones to include day care centers, pre-K and kindergarten programs. This important change was made to prevent drug violence from hurting young children or their adult supervisors.

As Chairman of the Sub-committee on Volunteer Ambulance/Emergency Services, Sweeney authored new laws improving the service award program for volunteer ambulance workers, establishing a pilot program to extend the time for re-certification, and authorizing an emergency service worker's memorial in Albany. Sweeney was honored by the New York State Volunteer Ambulance and Rescue Association in 2005 and 2014 for "tireless support and dedication to the volunteer emergency medical service providers of New York State"; in 2006 he was honored by the Association of First Districts of New York State for "outstanding efforts on our behalf."

As Chairman of the Assembly Local Government Committee, Assemblyman Sweeney was hailed for creating a Statewide 911 wireless program. He oversaw the adoption of municipal cooperation and consolidation statutes, and passed legislation to encourage the recruitment and retention of volunteer ambulance workers and firefighters.

In 2007, Assemblyman Sweeney became Chairman of the Assembly Committee on Environmental Conservation. The Committee on Environmental Conservation has jurisdiction over legislation affecting State environmental policy. The primary concerns of the Committee are pollution prevention and control, resource management, and environmental quality issues.

Sweeney has authored laws that require manufacturers to collect unused mercury thermostats, to establish the Great Lakes Protection Act, limit the amount of sulfur in home heating oil, and passed into law the sewage pollution right-to-know act to protect people from untreated or partially treated sewage. Sweeney authored the law to combat the costly problem of invasive plant and animal species in New York State; and shepherded legislation that expanded New York's Bottle Bill and established an electronic waste (e-waste) program in New York State; and the 2014 law that bans trade of elephant ivory and rhinoceros horn in New York State. Assemblyman Sweeney has secured Assembly passage of bills to promote bio-fuels, fight climate change, enhance climate resiliency, establish requirements for green purchasing, improve water quality and a ban on toxic chemicals in children's products. As a result Sweeney has been named "Legislator of the Year" by EPL/Environmental Advocates, a nonprofit organization that has worked on behalf of environmental issues in New York State for 40 years. Additionally, the New York League of Conservation Voters named Sweeney an Environmental Star in 2007, 2011, 2012 and again in 2013 "for his efforts to ensure that all New Yorkers can enjoy clean air, more open space and a better quality of life." The Healthy Schools Network presented Sweeney with its Healthy Schools Hero Award for 2007 for his work making schools environmentally safer. The Adirondack Council named Sweeney Legislator of the Year in 2009.

Assemblyman Sweeney received Audubon New York's prestigious William Hoyt Environmental Excellence Award in 2009, which is presented annually to an elected official in recognition for work above and beyond the normal call of duty to advance critical solutions to the most pressing environmental issues.

In 2011 Assemblyman Sweeney was honored by the Long Island Pine Barrens Society as the recipient of their Outstanding Contribution to Long Island's Environment Award in recognition of his work to protect and preserve Long Island's drinking water and open spaces.

Assemblyman Sweeney was awarded the 2011 Environmental Equinox Award for outstanding environmental leadership and protection of our natural resources by Citizen's Campaign for the Environment.

In 2012 Assemblyman Sweeney was honored by the Sierra Club Long Island Chapter as the recipient of their distinguished Environmentalist of the Year award in recognition of his work sponsoring laws that protect Long Island's waterways, land and air.

Assemblyman Sweeney annually sponsors, with the Town of Babylon, a Veteran's Awareness Week. This week, in honor of Americans who honorably served their country, helps us to remember our veterans. At the request of a high school classmate blinded while serving in Vietnam, Assemblyman Sweeney successfully worked to double New York's Blinded Veteran's Annuity, which hadn't been changed in 80 years.

A strong supporter of higher education, Assemblyman Sweeney received the 1996 Friend of SUNY Award and the 2001 Friend of SUNY Farmingdale Award. In 2009, he was awarded the Leadership in Literacy Award from Literacy Suffolk.

In 2000, Assemblyman Sweeney was named one of the "100 Most Influential People" of the 20th century in the Town of Babylon and in 2005 earned recognition as "one of Albany's most prolific legislators" by the Gannett News Service for his ability to sponsor bills that get signed into law.

Standing Committee Assignments 2013: Environmental Conservation (Chair); Veterans Affairs; Rules; Education.

ITEM 5

RESOLUTION NO. 2015.05 - AUTHORIZING A CONTRACT WITH ACADEMICWORKS, INC. FOR SCHOLARSHIP MANAGEMENT SOFTWARE

WHEREAS, on June 12, 2014, the College issued a request for proposals for Scholarship Management Software which would streamline and simplify the College's scholarship application process, thus better serving the needs of our students, and

WHEREAS, the responses to the request for proposals were evaluated by the College Evaluation Committee, and

WHEREAS, it was determined that the proposal submitted by AcademicWorks, Inc. will be most beneficial for the College, be it therefore

RESOLVED, that the College President, or his designee, is hereby authorized and empowered to execute a contract, in a form as approved by the College General Counsel, with AcademicWorks, Inc. for scholarship management software, for an initial term of one year, with one-year renewal terms thereafter, and be it further

RESOLVED, that the cost of said contract shall be \$17,500.00 which includes a one-time implementation fee of \$7,000.00, and an annual maintenance fee presently of \$10,500.00, which maintenance fee may be adjusted based on the number of scholarship funds managed, and be it further

RESOLVED, that in order to offset the annual maintenance cost, the College is authorized to accept \$10,000.00 from the Suffolk Community College Foundation, Inc. in fiscal year 2014-2015, be further

RESOLVED, that the College is further authorized to accept thereafter from the Foundation, for the duration of the contract, renewable each year and subject to approval from the Foundation, reimbursement in the amount of fifty percent (50%) of the annual maintenance cost of the AcademicWorks scholarship management software.

ITEM 6

RESOLUTION NO. 2015.06 - AUTHORIZING A CONTRACT WITH OMNIUPDATE, INC. FOR A CONTENT MANAGEMENT SYSTEM

WHEREAS, on October 30, 2014, the College issued a request for proposals for a Content Management System which would support the development of a new College internet website for public use and an intranet system for use by internal audiences, and

WHEREAS, the responses to the request for proposals were evaluated by the College Evaluation Committee, and

WHEREAS, it was determined that the proposal submitted by OmniUpdate, Inc. will be most beneficial for the College, be it therefore

RESOLVED, that the College President, or his designee, is hereby authorized and empowered to execute a contract, in a form as approved by the College General Counsel, in the amount of \$34,500.00 with OmniUpdate, Inc. to support the development of a new College internet website for public use and an intranet system for use by internal audiences, for an initial term of one year, with one-year renewal terms thereafter.

ITEM 7

**RESOLUTION NO. 2015.07 - AMENDING THE COLLEGE BUDGET FOR A
GRANT AWARD INCREASE FROM THE STATE UNIVERSITY OF NEW YORK
FOR A SUNYCHILD CARE PROGRAM**

WHEREAS, the 2014-2015 College operating budget provides \$161,700 from the State University of New York for a SUNY Child Care Program, and

WHEREAS, the grant award has been increased by \$8,200, bringing the total amount of the grant award to \$169,900, and

WHEREAS, it is necessary to amend the 2014-2015 College operating budget in the amount of \$8,200 to provide for the increase in the grant award, and

RESOLVED, that the 2014-2015 College operating budget be amended to reflect an increase in the amount of \$8,200, from the State University of New York for a SUNY Child Care Program, and the College President, or his designee, is authorized to execute a contract, and any other required documentation, with the administering agency,

Project Director: Barbara E. Hurst, Director of Business Affairs

Note: No full-time positions

No in-kind contribution required

ITEM 8

RESOLUTION NO. 2015.08 - AMENDING THE COLLEGE OPERATING BUDGET TO REFLECT AN INCREASE IN THE GRANT AWARD FOR THE LIBERTY PARTNERSHIPS PROGRAM

WHEREAS, the Liberty Partnerships Program (LPP) at Suffolk County Community College represents a cooperative effort between the College and the Longwood Central School District to provide a unique, comprehensive and supportive environment for at-risk students, and

WHEREAS, the LPP is funded by a grant from the New York State Department of Education, and

WHEREAS, the 2014-2015 College operating budget provides \$350,000.00, including indirect costs, in anticipation of a grant award from the New York State Department of Education for the LPP, and

WHEREAS, the award is to be increased in the amount of \$10,512.00, including indirect costs, bringing the total amount of the grant award to \$360,512.00, including indirect costs, and

WHEREAS, no matching funds are required, be it therefore

RESOLVED, that the 2014-2015 College operating budget be amended to reflect an increase in the amount of \$10,512.00, including indirect costs, for the Liberty Partnerships Program, and be it further

RESOLVED, that the College President or his designee is authorized to execute any necessary documentation, including a contract amendment, as approved by the College General Counsel, with the New York State Department of Education, reflecting the increase in the grant award for the Liberty Partnerships Program.

Project Director: Nina Leonhardt

Note: No full-time personnel for amendment

In-kind contribution - none

ITEM 9

RESOLUTION NO. 2015.09 - APPROVING BUDGET TRANSFERS

WHEREAS, the Board of Trustees has established a policy on the authorization of budget transfers, and

WHEREAS, according to said policy, budget transfers must be authorized by a resolution adopted by the Board of Trustees, and

WHEREAS, the Vice President for Business and Financial Affairs recommends the budget transfers on Attachment V as necessary for the operation of the College, be it therefore

RESOLVED, that the budget transfers shown on Attachment V are hereby authorized and approved.

Suffolk County Community College
Budget Transfer List
As of January 6, 2015

<u>DOCUMENT #</u>	<u>FUND</u>	<u>ORG</u>	<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>TRANSFER</u>		<u>REASON</u>
					<u>FROM</u>	<u>TO</u>	
J0018836	181800	C22006	714770	Special Services	13,600		
	181800	C22006	714236	Employee Training & Travel		13,600	to cover the cost of employee training and travel related to the academic computing area
J0018998	181800	C10101	713100	Instructional Supplies	14,900		
	181800	C86001	713160	Computer Software		14,900	funds needed to purchase the new website software from Content Management System

ITEM 10

RESOLUTION NO. 2015.10 - AMENDING THE COLLEGE BUDGET FOR AN INCREASE FROM THE STATE UNIVERSITY OF NEW YORK (SUNY) FOR A WORKFORCE DEVELOPMENT TRAINING GRANT FOR SEA TOW SERVICES, INTERNATIONAL -PHASE 2

WHEREAS, the 2014-2015 College operating budget provided \$16,038 from The State University of New York (SUNY), for a Workforce Development Training grant for Sea Tow Services, International - Phase 2, for the period of November 24, 2014 through August 11, 2015, and

WHEREAS, the award includes an additional amount of \$7,192, bringing the total amount of the grant award to \$23,230 and

WHEREAS, it is necessary to amend the 2014-2015 College operating budget for the said increase in the grant award, and

WHEREAS, matching funds, in the amount of \$1,782 are provided by Sea Tow Services, International, and

WHEREAS, matching funds in an additional amount of \$538 will be provided by Sea Tow Services, International, be it therefore

RESOLVED, that the 2014-2015 College operating budget be amended to reflect an increase in the amount of \$7,192 from The State University of New York (SUNY), for a Workforce Development Training grant for Sea Tow Services, International - Phase 2, and be it further

RESOLVED, that the College President, or his designee, is authorized to execute any necessary documentation, including a contract amendment, as approved by the College General Counsel, with The State University of New York (SUNY), for a Workforce Development Training grant for Sea Tow Services, International - Phase 2.

Project Director: Maureen Arma

ITEM 11

RESOLUTION NO. 2015.11 - ACCEPTING A GRANT AWARD FROM THE STATE UNIVERSITY OF NEW YORK (SUNY) FOR A WORKFORCE DEVELOPMENT TRAINING PROJECT ENTITLED "LNK PHARAMACEUTICAL - QUALITY PROGRAM"

WHEREAS, Suffolk County Community College has received a grant award in the amount of \$36,250 from The State University of New York (SUNY) for a Workforce Development Training project entitled "LNK Pharmaceutical - Quality Program," for the period of November 24, 2014 through August 11, 2015, and

WHEREAS, this project will facilitate a partnership between LNK International Inc. and Suffolk County Community College to develop a training manual to be implemented at LNK and replicated internally and to other manufacturers of over-the-counter drugs, and

WHEREAS, matching funds in the amount of \$3,415, provided by LNK International Inc. will increase the total to \$39,665, including indirect costs, be it therefore

RESOLVED, that a grant award, in the amount of \$36,250, including indirect costs, from The State University of New York (SUNY) for a Workforce Development Training project entitled "LNK Pharmaceutical - Quality Program," for the period of November 24, 2014 through August 11, 2015, is hereby accepted, and the College President, or his designee, is authorized to execute a contract and any other required documentation with the administering agency, and be it further

RESOLVED, that matching funds in the amount of \$3,415, provided by LNK International Inc., be accepted for the operation of this Workforce Development Training project.

Project Director: Maureen Arma

Note: No full-time personnel

In-kind contribution- LNK International Inc.

ITEM 12

RESOLUTION NO. 2015.12 - AUTHORIZING AN AGREEMENT WITH LEVENTHAL, CURSIO, MULLANEY & SPECTOR, LLP FOR THE PROVISION OF LEGAL SERVICES

WHEREAS, the Board of Trustees has determined that a matter has arisen which requires special expertise in the area of ethics, and the College General Counsel has concurred in this determination, and

WHEREAS, the College has issued a Request for Qualifications (RFQ) for legal services in this area, and

WHEREAS, two firms responded to the RFQ, and the Evaluation Committee, comprised of members of the Governance Committee, reviewed the responses and determined that the response submitted by Leventhal, Cursio, Mullaney & Spector, LLP best meets the needs of the College, be it therefore

RESOLVED, that the College President, or his designee, is hereby authorized to enter into a contract with Leventhal, Cursio, Mullaney & Spector, LLP to provide legal services regarding an ethics matter and any related legal issues, and such contract shall be on such terms and conditions as shall be approved by the College General Counsel.

ITEM 13

RESOLUTION NO. 2015.13 - AUTHORIZING THE EXECUTION, SUBMISSION AND IMPLEMENTATION OF SUFFOLK COUNTY COMMUNITY COLLEGE'S "CAMPUS PLAN FOR DESIGNATION OF TAX-FREE AREAS" UNDER THE START-UP NEW YORK PROGRAM

WHEREAS, pursuant to New York Economic Development Law (EDL) §435, the Start-Up NY Program is an initiative to create tax free communities for new and expanding businesses on SUNY and other college campuses across the state, and

WHEREAS, by a resolution duly adopted on September 18, 2014, this Board authorized the submission of a "Campus Plan for Designation of Tax-Free Areas" which designated 62 acres of Suffolk County-owned vacant land located adjacent to the Ammerman Campus in Selden, as well as 10,000 square feet of space located in a building to be constructed on Suffolk County-owned land located in Wyandanch, and

WHEREAS, the Start-Up New York Program rejected the "Campus Plan for Designation of Tax-Free Areas" containing the Selden and Wyandanch locations, as submitted, and

WHEREAS, thereafter, the County of Suffolk withdrew the proposed location in Wyandanch, and the County of Suffolk unilaterally reduced that portion of the County-owned land in Selden proposed to be utilized for Start-Up NY purposes from 62 acres to 10 acres, and

WHEREAS, the College and the County could not agree upon the terms of an Affiliation Agreement for the aforesaid 10 acres in Selden, and the County withdrew a Resolution authorizing an Affiliation Agreement with the College, and

WHEREAS, the College has identified a vacant portion of land located on the Michael J. Grant Campus in Brentwood which is proposed as a Tax-Free NY Area, and

WHEREAS, on December 30, 2014, in accordance with EDL §435(1), the College provided copies of its "Campus Plan for Designation of Tax-Free Areas" to the County of Suffolk, the Suffolk County Industrial Development Agency (IDA), the Town of Islip, the Town of Islip IDA, the College Governance Council, the College's three unions and the Student Government Association, be it therefore

RESOLVED, that the College President is hereby authorized to execute, submit and implement the College's "Campus Plan for Designation of Tax-Free Areas," annexed hereto as Attachment VI, and be it further

RESOLVED, that the College President is further authorized to amend, as necessary, the Campus Plan, and to designate, if warranted, any additional campus property to be proposed as Tax-Free Areas and execute, submit and implement any such "Campus Plan(s) for Designation of Tax-Free Areas."



The State University
of New York

Board of Trustees
January 15, 2015
Attachment VI

SUNY START-UP NY
Campus Plan for Designation of Tax-Free Area(s) Memorandum (CPM)

To: SUNY Chancellor

From: Dr. Shaun L. McKay, President, Suffolk County Community College

Re: Suffolk County Community College Campus Plan for Designation of Tax-Free Area(s) ("Campus Plan")

Date: January 30, 2015

For campus Office of the President:

The arrangement documented in the attached Campus Plan is aligned to the academic mission of [Suffolk County Community College] and in accordance with all SUNY policies, procedures, and guidelines.

Signature of campus President

Dr. Shaun L. McKay

-----FOR SUNY SYSTEM ADMINISTRATION USE ONLY-----

For SUNY's START-UP NY Proposal Review Team Co-Chair: It is recommended by the SUNY START-UP NY Proposal Review Team that SUNY approve/reject the attached Campus Plan:

Proposal Review Team Co-Chair

Date

Print Name

For SUNY Office of the Chancellor:

The attached Campus Plan is hereby approved/rejected for campus submission to the NYS Commissioner of Economic Development.

Signature of the Chancellor or designee

Date

Print Name



The State University
of New York

To: Mr. Kenneth Adams, NYS Commissioner of Economic Development
From: Shaun L. McKay, President, Suffolk County Community College
Re: Suffolk County Community College Campus Plan for Designation of Tax-Free Area(s)
Date: January 30, 2015

Shaun L. McKay, President of Suffolk County Community College, hereby certifies the following:

- a.) We have provided a copy of the enclosed Campus Plan for Designation of Tax-Free NY Areas (Campus Plan) to the municipality or municipalities in which the proposed Tax-Free NY Areas are located, as well as to local economic development entities, the College Governance Council, union representatives, and student government, at least thirty (30) days prior to submitting the Campus Plan, and attach evidence of submission herewith (**See, Attachment A**); and
- b.) We comply with Public Officers Law, Section 74, Suffolk County Community College's Code of Professional Ethics, and the County of Suffolk's Code of Ethics (Suffolk County Code, Section 77.1 *et seq.*); and attach copies of these provisions and/or policies herewith (**See, Attachment B**); and
- c.) We comply with the Commissioner's rules and guidelines on anticompetitive behavior (NY EDL, art. 21, sect. 440); and
- d.) We are aware of the non-governmental use limitations associated with state issued tax exempt bonds and if our proposed Tax-Free NY Area was financed with tax exempt bonds, we will: 1.) make potential businesses aware of these limitations when marketing property; and 2.) take appropriate steps to ensure that non-governmental use of property funded with tax-exempt bonds will not jeopardize the tax exempt status of state issued bonds; and
- e.) We have not displaced or eliminated any academic programs, any administrative programs, offices, housing facilities, dining facilities, athletic facilities, parking, or any other facility, space or program that actively serves students, faculty or staff in order to create vacant land or space to be designated as a Tax-Free NY Area; and
- f.) The information contained in the enclosed application is accurate and complete.

PRESIDENT'S SIGNATURE

DATE

Attachments/Enclosures:

- 1.) Tax-Free Area Plan with Polygon shapefile of campus area (if available) and/or point data of vacant space (if available), **OR** outline and shaded delineation of proposed tax-free area on a campus aerial photo and/or campus map shaded to indicate land or building containing proposed tax-free space, and floor plans of building space with designated space clearly labeled and shaded.
- 2.) Excel spreadsheet of property to be designated
- 3.) Applicable conflict of interest policies
- 4.) Evidence of submission of Tax-Free Area Plan to interested parties
- 5.) START-UP NY Program Participation Policy (**See, Attachment C**)



START-UP NY CAMPUS PLAN FOR DESIGNATION OF TAX-FREE AREA(S)

Campus Name: Suffolk County Community College
Contact Name: Drew Biondo / Benjamin Zwirn
Campus Contact Title: Director of Communications / Director of Legislative Affairs
Campus Contact E-mail: biondodr@sunysuffolk.edu / zwirnb@sunysuffolk.edu
Campus Contact Phone: 631-451-4776 / 631-451-4705

THE TAX-FREE NY AREA PLAN SHALL BE DEVELOPED BY THE CAMPUS TEAM AND PROVIDE THE FOLLOWING REQUIRED INFORMATION:

- 1) Specification or identification of space or land proposed for designation as a Tax-Free NY Area identifying the following:
 - i. Provide the name and address of the SUNY, CUNY or community college seeking approval as a Sponsor, the address of the space or land proposed for designation as a Tax-Free NY Area, and a written description of the physical characteristics of the area for designation.

ii.

Name: Suffolk County Community College
Campus Address: 1001 Crooked Hill Road, Brentwood, NY 11717 (Michael J. Grant Campus)
Address(es) of Proposed Tax-Free NY Area(s) : Vacant portion of land on the Michael J. Grant Campus of Suffolk County Community College, 1001 Crooked Hill Road, Brentwood, NY 11717
Description of Physical Characteristics of Proposed Tax-Free NY Area(s): The Proposed Tax-Free NY area is undeveloped land located on the eastern-most portion of the Michael J. Grant Campus of Suffolk County Community College. Consisting of 7.86 acres, this land is bounded on the east by Wicks Road, on the south by Community College Drive, and on the north by the Long Island Expressway.

- iii. Complete the Excel spreadsheet template provided with this document, noting the instructions on page 2. Include the official SUNY Physical Space Inventory (PSI) building number and a clear description of the spaces in the building or floor (when the entire floor is under consideration), or floor/wing (with outer rooms defining the space specifically listed). Include only properties sought to be designated now and exclude potential sites that may be considered in the future (see 2a below). **See, Attachment D.**

- iv. Provide also a representation of each proposed site drawn in AutoCAD on a scaled campus map with boundaries drawn clearly. Two versions should be created; one including an imbedded layer from Google Earth or other aerial photograph of the property. The second version should exclude the photographic imagery. Each parcel under consideration must have a unique alpha numeric identifier, clearly labeled on each plan which ties to identifiers in the Excel spreadsheet. If digital files containing Polygon shapefile that delineates area for designation are available, provide these as well. **See, Attachment E.**
- v. Provide a campus map with each proposed building shaded. Label each building with the official building number as listed in the SUNY Physical Space Inventory (PSI) along with the building name. For each building shaded and labeled, include floor plans of all areas under consideration with the specific spaces clearly shaded and labeled with official PSI room numbers. If digital files containing Point shapefiles that provide locations of area for designation are available, provide these as well. N/A

- 2) The total square footage of the space and/or acreage of land proposed for designation as a Tax-Free NY Area is:

7.86 acres

- 2a) If applicable: You may include here a description of any potential space or acreage of land that you may seek to designate as a Tax-Free NY Area under the START-UP NY Program in the future. This may include campus property that may become vacant, or other properties in your community that are not currently part of your campus but may be desirable for a company partner and with which you may consider an affiliation if an appropriate partner is identified. Do not include these properties in the Excel spreadsheet.

N/A

- 2b) If applicable: The total square footage of the space or acreage of land that you may propose to designate as a Tax-Free Area as identified in 2a, if known.

N/A

- 3) Provide a description of the type of business or businesses that may locate in the area identified in #1.

In compliance with START-UP NY regulations and restrictions for downstate campuses, the types of businesses and industries to be targeted will be start-ups and/or high technology and may include:

- Cyber and Homeland Security
- Wireless and Information Technology
- Manufacturing Technology
- Software Development
- Engineering and Remanufacturing
- Biotechnology

- Electronics
- Process Technologies

- 4) Provide a description of the campus academic mission, and explain how the businesses identified in #3 will align or further the academic mission of the university or college.

The mission of Suffolk County Community College is to promote intellectual discovery, physical development, social and ethical awareness, and economic opportunities for all through an education that transforms lives, builds communities and improves society. With more than 26,000 students enrolled at three campuses in Selden, Brentwood and Riverhead, Suffolk County Community College is the largest community college in New York State. The College offers Associate in Arts (A.A.), Associate in Science (A.S.), and Associate in Applied Science (A.A.S.) degrees and professional certificates in 100 programs of study.

Suffolk County Community College is committed to offering programs and services that fulfill the educational needs of the residents of Suffolk County. All of College's curricula are registered by the New York State Department of Education. The college grants the two-year Associate in Arts, Associate in Science, and Associate in Applied Science degrees, as established by the Board of Regents of the State University of New York, as well as the one-year Certificates of Completion..

Suffolk County Community College's Transfer Programs prepare students to enter four-year colleges and universities. They include a broad range of disciplines including science and engineering, and computer science. College Career Programs, designed to match the occupational goals of students with regional employment needs, prepare graduates for technical professional jobs after graduation from Suffolk.

Certificate Programs provide the skills necessary for employment after one year of study. These programs emphasize the skills required for direct entry into the job market.

The industry sectors to be targeted for recruitment will closely align with Suffolk County Community College's academic strengths.

All businesses associated with Suffolk Community College through START-UP NY will be required to build upon the skills students have acquired during their academic career. Accepted businesses will provide collaborative research-related experiences for students and faculty.

Suffolk County Community College will seek businesses, for example, that provide computer science majors with the opportunity to engage in the development of new technologies for mobile devices or computers. We will seek businesses that provide the opportunity for our applied sciences majors to not only use their skills explaining and predicting phenomena in the natural environment to practical applications in engineering, manufacturing, or and research and development, but also to assist with the commercialization of new products and technologies.

In addition, businesses selected to participate in the Start-Up New York initiative on the Suffolk County Community College Campus will be expected to provide and/or participate in the College's

learning environment by providing:

- Internships in their area of expertise. Internships have become an important part of a college student's education. Through internships students gain experience in different fields, test career interests, establish contacts that can assist with networking, and receive letters of recommendation from professionals in the field. Internships can make a sizable contribution to every student's resume. In addition to these benefits, internships act as a way for students to gain experience without committing themselves permanently to a specific field. It is common for students to major in a particular area of study, but then, having done an internship in that field, decide the field is not right for them. Internships allow students who do not know exactly what they want to do to, work in different fields with the hope of finding a job they really enjoy. For other students internships confirm their interest in a particular course of study and reinforce their career goals.
- START-UP businesses may also provide valuable opportunities for students to learn about entrepreneurship and business operations.
- Willingness to participate in formal and informal teaching and lecturing
- Collaboration with faculty on research and other projects
- Providing scholarships for students
- Creation of net new jobs

5) Provide a description of how participation by these types of businesses in the START-UP NY Program will generate positive community and economic benefits, including but not limited to:

- Increased employment opportunities;
- Increased opportunities for internships, vocational training and experiential learning for undergraduate and graduate study;
- Diversification of the local economy;
- Environmental sustainability;
- Increased entrepreneurship opportunities;
- Positive, non-competitive and/or synergistic links to existing businesses;
- Effect on the local economy; and
- Opportunities as a magnet for economic and social growth.

START-UP NY will attract start-up companies to the region and create high paying jobs in targeted high-technology sectors. Start-UP NY will create an entrepreneurial ecosystem where the potential of local research institutions --Brookhaven National Laboratory and Cold Spring Harbor laboratory, among others -- is harnessed by entrepreneurs who start companies and create jobs on Long Island.

Suffolk County Community College is part of the economic and cultural ecosystem of Suffolk County. Business development through the College will provide another avenue to assist growth in the local community. Positioning start-up businesses on campus, and aligning business and educational activities will result in a number of economic and community benefits for Suffolk County.

The College's participation in START-UP NY will result in increased employment opportunities for our student and help to staunch the loss of our region's young, motivated and educated workers, due to a lack of jobs, housing, and transportation. Internships, vocational training, and curriculum integrated with local employment needs will result in more graduates being hired by local businesses that in turn will boost the local economy. Gainfully employed students and former students will be able to root themselves in our community, afford local housing, and contribute to civic and cultural activities.

In addition, our participation in START-UP NY will assist in making the Long Island Regional Economic Development Council's vision to "make Long Island a global center for innovation and the model for knowledge-based suburban economy" a reality. (Long Island's Future Economy, November 14, 2011).

The College is confident that its participation in START-UP NY will result in long-term sustainable economic growth and vitality.

- 6) Provide a description of the process the Sponsor (campus) will follow to select participating businesses. The description should identify the membership of any group or committee that may make recommendations, the final decision-maker, and the criteria that will be used to make decisions. This group or committee must include representation from faculty governance. The criteria may include some or all of the following:

A. Academic and Research Alignment

1. Is the business in an industry aligned with current and/or developing University research, scholarly, and creative activity?
2. Does the business provide experiential learning and workforce opportunities (e.g., internships, fellowships, full-time jobs) for students and graduates?
3. Does the business provide areas for partnership and advancement for faculty and students?
4. Will the business provide access to research instrumentation, tools, and/or equipment necessary to advance the academic and research mission?
5. Will the business fund scholarships, campus facilities or other academic services or amenities?
6. Will the business and/or its employees contribute to instruction or provide student mentoring?
7. Does the business offer the use of company resources, intellectual property or expertise to support the academic mission?

B. Economic Benefit

1. How many net new jobs will be created?

2. Is the business viable in both the short- and long-term?
3. Will the business attract private financial investment?
4. Does the business plan to make capital investments (e.g., renovation, new construction)?
5. Are the new jobs in critical areas of the economy?
6. How will the University financially benefit from the terms of the lease?

C. Community Benefits

1. Does the business have the support of one or more municipal or community entities?
2. Is the business recruiting employees from the local workforce?
3. Does the business invest in underserved, economically distressed regions?
4. Will the business rely on suppliers within the local and regional economy?

Suffolk County Community College promotes intellectual discovery, physical development, social and ethical awareness, and economic opportunities through an education that transforms lives, builds communities, and improves society.

Suffolk County Community College's START-UP NY program will be overseen by an Executive Committee composed of administrators, faculty governance and the College's Board of Trustees, to include:

- A. College President and/or appointed representative
- B. College General Counsel
- C. Faculty Governance
- D. College Board of Trustees (member)
- E. Student Representative

The oversight by the senior leadership of the College will ensure alignment with the College's mission, and connect companies with programs that best support their activities.

The College may utilize the services of the Suffolk County Dept. of Economic Development and Planning as well as the Industrial Development Agency to communicate the benefits of and market the START-UP NY program and will collaborate with economic development specialists and business organizations in the community (Suffolk County Economic Development and Planning, Suffolk County Industrial Development Agency, Town of Islip Industrial Development Agency, NYS ESD, LIA etc.) to identify potential businesses that would benefit from START-UP NY, grow the local economy, and most importantly, support our academic mission.

The College's Executive committee will review applications to determine if the applying entities are a fit with the College's mission and strategic plan.

Business will be selected based upon criteria and eligibility for Start-Up New York, alignment with the College's mission; and ability to contribute to student learning and harmony with the campus environment.

The Application Process

Initial Meeting/Information Session – Provide program information and initial guidance to interested businesses.

Submission – Businesses submit application to the College. The College will work closely with applicant businesses before and during the application process.

Initial Review – Internal review of final application resulting in tentative recommendation and scheduling of interview.

Formal Interview – The College's Executive Committee formally interviews company representatives.

Evaluation

- Meets all START-UP NY statutory requirements
- Business concepts are in alignment with College mission
- Financial standing and growth potential are evaluated
- Description of business activities; products/technologies to be developed
- Demonstration of economic, educational, college and community benefits
- Approval
- College President makes final decision to approve or deny after evaluation of all facts and circumstances. This decision shall be in the President's sole and absolute discretion and shall be final and non-appealable.

Review and Approval

- Is the business in an industry aligned with current and/or developing College research, scholarly, and creative activity?
- Does the business provide experiential learning and workforce opportunities (e.g., internships, fellowships, full-time jobs) for students and graduates?
- Does the business provide areas for partnership and advancement for faculty and students?
- Will the business provide access to research instrumentation, tools, and/or equipment necessary to advance the academic and research mission?
- Will the business fund scholarships, campus facilities or other academic services or amenities?
- Will the business and/or its employees contribute to instruction or provide student mentoring?
- Does the business offer the use of company resources, intellectual property or

mentoring?

- Does the business offer the use of company resources, intellectual property or expertise to support the academic mission?
- Does the business have the support of one or more municipal or community entities?
- Is the business recruiting employees from the local workforce?
- Does the business invest in underserved, economically distressed regions?
- Will the business rely on suppliers within the local and regional economy?

EXHIBIT

A

Suffolk

COUNTY COMMUNITY COLLEGE

Office of Legal Affairs

Via First Class Mail

December 30, 2014

Hon. Steven Bellone
County Executive
Suffolk County Government
H. Lee Dennison Building
100 Veterans Memorial Highway
PO Box 6100
Hauppauge, NY 11788-0099

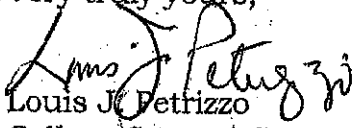
Re: Start-Up New York Application of Suffolk County Community College

Dear County Executive Bellone:

In accordance with New York Economic Development Law §435(1), we wish to notify you that on or after January 30, 2015, Suffolk County Community College intends to submit the enclosed "Campus Plan for Designation of Tax-Free Areas" to the New York State Commissioner of Economic Development under the Start-Up New York Program.

Should you require any further information, please feel free to call me.

Very truly yours,


Louis J. Petrizzi
College General Counsel

Enclosure

cc: Dr. Shaun L. McKay, President
Drew Biondo, Director of Communications
Benjamin Zwirn, Intergovernmental Relations Coordinator

Suffolk County Community College promotes intellectual discovery, physical development, social and ethical awareness, and economic opportunities for all through an education that transforms lives, builds communities, and improves society.

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(631) 851-6700

Eastern Campus
121 Speonk-Riverhead Road
Riverhead, NY 11901-3499
(631) 548-2500



Office of Legal Affairs

Via First Class Mail

December 30, 2014

Mr. Tony Catapano
Executive Director
Suffolk County Industrial Development Agency
H. Lee Dennison Building, 3rd Floor
100 Veterans Memorial Highway
PO Box 6100
Hauppauge, NY 11788


Re: Start-Up New York Application of Suffolk County Community College

Dear Mr. Catapano:

In accordance with New York Economic Development Law §435(1), we wish to notify you that on or after January 30, 2015, Suffolk County Community College intends to submit the enclosed "Campus Plan for Designation of Tax-Free Areas" to the New York State Commissioner of Economic Development under the Start-Up New York Program.

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Very truly yours,


Louis J. Petrizzo
College General Counsel

Enclosure

cc: Dr. Shaun L. McKay, President
Drew Biondo, Director of Communications
Benjamin Zwirn, Intergovernmental Relations Coordinator

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Office of Legal Affairs

Via First Class Mail

December 30, 2014

Supervisor Tom Croci
Town of Islip
Town Hall
655 Main Street
Islip, NY 11751

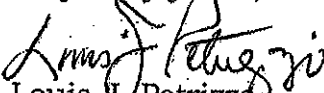
Re: Start-Up New York Application of Suffolk County Community College

Dear Supervisor Croci:

In accordance with New York Economic Development Law §435(1), we wish to notify you that on or after January 30, 2015, Suffolk County Community College intends to submit the enclosed "Campus Plan for Designation of Tax-Free Areas" to the New York State Commissioner of Economic Development under the Start-Up New York Program.

Should you require any further information, please feel free to call me.

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Louis J. Petrizzo
College General Counsel

Enclosure

cc: Dr. Shaun L. McKay, President
Drew Biondo, Director of Communications
Benjamin Zwirn, Intergovernmental Relations Coordinator

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Office of Legal Affairs

Via First Class Mail

December 30, 2014

Mr. William G. Mannix
Executive Director
Islip Industrial Development Agency
40 Nassau Avenue
Islip, NY 11751


Re: Start-Up New York Application of Suffolk County Community College

Dear Mr. Mannix:

In accordance with New York Economic Development Law §435(1), we wish to notify you that on or after January 30, 2015, Suffolk County Community College intends to submit the enclosed "Campus Plan for Designation of Tax-Free Areas" to the New York State Commissioner of Economic Development under the Start-Up New York Program.

Should you require any further information, please feel free to call me.

Very truly yours,


Louis J. Petrizzo
College General Counsel

Enclosure

cc: Dr. Shaun L. McKay, President
Drew Biondo, Director of Communications
Benjamin Zwirn, Intergovernmental Relations Coordinator

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Office of Legal Affairs

Via First Class Mail

December 30, 2014

Mr. Kevin Peterman
President - Faculty Association
Suffolk County Community College
Southampton Bldg, Room 224J
533 College Road
Selden, NY 11784-2899

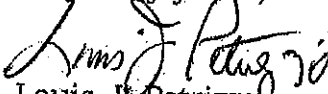
Re: Start-Up New York Application of Suffolk County Community College

Dear Mr. Peterman:

In accordance with New York Economic Development Law §435(1), we wish to notify you that on or after January 30, 2015, Suffolk County Community College intends to submit the enclosed "Campus Plan for Designation of Tax-Free Areas" to the New York State Commissioner of Economic Development under the Start-Up New York Program.

Should you require any further information, please feel free to call me.

Very truly yours,


Louis J. Petrizzo
College General Counsel

Enclosure

cc: Dr. Shaun L. McKay, President
Drew Biondo, Director of Communications
Benjamin Zwirn, Intergovernmental Relations Coordinator

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Suffolk

COUNTY COMMUNITY COLLEGE

Office of Legal Affairs

Via First Class Mail

December 30, 2014

Mr. Tom Breeden
President - Guild of Administrative Officers
Suffolk County Community College
Smithtown Science Bldg - 106
533 College Road
Selden, NY 11784

Re: Start-Up New York Application of Suffolk County Community College

Dear Mr. Breeden:

In accordance with New York Economic Development Law §435(1), we wish to notify you that on or after January 30, 2015, Suffolk County Community College intends to submit the enclosed "Campus Plan for Designation of Tax-Free Areas" to the New York State Commissioner of Economic Development under the Start-Up New York Program.

Should you require any further information, please feel free to call me.

Very truly yours,



Louis J. Petrizzo
College General Counsel

Enclosure

cc: Dr. Shaun L. McKay, President
Drew Biondo, Director of Communications
Benjamin Zwirn, Intergovernmental Relations Coordinator

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Suffolk

COUNTY COMMUNITY COLLEGE

Office of Legal Affairs

Via First Class Mail

December 30, 2014

Mr. Daniel Farrell
President
Association of Municipal Employees
30 Orville Drive, Suite A
Bohemia, NY 11716


Re: Start-Up New York Application of Suffolk County Community College

Dear Mr. Farrell:

In accordance with New York Economic Development Law §435(1), we wish to notify you that on or after January 30, 2015, Suffolk County Community College intends to submit the enclosed "Campus Plan for Designation of Tax-Free Areas" to the New York State Commissioner of Economic Development under the Start-Up New York Program.

Should you require any further information, please feel free to call me.

Very truly yours,


Louis J. Petrizzo
College General Counsel

Enclosure

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Drew Biondo, Director of Communications
Benjamin Zwirn, Intergovernmental Relations Coordinator

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Office of Legal Affairs

Via First Class Mail

December 30, 2014

Ms. Filiz Turhan-Swenson
Chairwoman - College Governance Council
Suffolk County Community College
Islip Arts Building, Room 2M
533 College Road
Selden, NY 11784

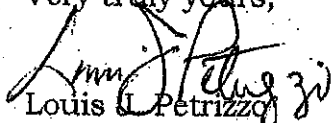
Re: Start-Up New York Application of Suffolk County Community College

Dear Chairwoman Turhan-Swenson:

In accordance with New York Economic Development Law §435(1), we wish to notify you that on or after January 30, 2015, Suffolk County Community College intends to submit the enclosed "Campus Plan for Designation of Tax-Free Areas" to the New York State Commissioner of Economic Development under the Start-Up New York Program.

Should you require any further information, please feel free to call me.

Very truly yours,


Louis J. Petrizzi
College General Counsel

Enclosure

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Drew Biondo, Director of Communications
Benjamin Zwirn, Intergovernmental Relations Coordinator

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Office of Legal Affairs

Via First Class Mail

December 30, 2014

Mr. Jesse G. Pazmino
President
SCCC Student Government
Campus Activities, Captree - Room 110
Crooked Hill Road
Brentwood, NY 11717


Re: Start-Up New York Application of Suffolk County Community College

Dear President Pazmino:

In accordance with New York Economic Development Law §435(1), we wish to notify you that on or after January 30, 2015, Suffolk County Community College intends to submit the enclosed "Campus Plan for Designation of Tax-Free Areas" to the New York State Commissioner of Economic Development under the Start-Up New York Program.

Should you require any further information, please feel free to call me.

Very truly yours,


Louis J. Petrizzo
College General Counsel

Enclosure

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EXHIBIT

B

PUBLIC OFFICERS LAW

§ 74. Code of ethics

- 1. Definition.** As used in this section: The term "**state agency**" shall mean any state department, or division, board, commission, or bureau of any state department or any public benefit corporation or public authority at least one of whose members is appointed by the governor or corporations closely affiliated with specific state agencies as defined by paragraph (d) of subdivision five of section fifty-three-a of the finance law or their successors.

The term "**legislative employee**" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

- 2. Rule with respect to conflicts of interest.** No officer or employee of a state agency, member of the legislature or legislative employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

3. Standards.

- a. No officer or employee of a state agency, member of the legislature or legislative employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.
- b. No officer or employee of a state agency, member of the legislature or legislative employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he by reason of his official position or authority.
- c. No officer or employee of a state agency, member of the legislature or legislative employee should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.
- d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.
- e. No officer or employee of a state agency, member of the legislature or legislative employee should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
- f. An officer or employee of a state agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

g. An officer or employee of a state agency should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

h. An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

i. No officer or employee of a state agency employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

CODE OF PROFESSIONAL ETHICS

The Board of Trustees of Suffolk Community College believes it is important to establish an official Code of Professional Ethics for the College to promote professional management of its operations. To further this objective, all employees of the College are enjoined to adhere to legal, moral and professional standards of conduct in the fulfillment of their responsibilities. Standards set forth in this Code are promulgated in order to enhance the performance of all persons engaged in College operations.

Personal Standards

College employees shall demonstrate and be dedicated to the highest ideals of honor and integrity in all public and personal relationships to merit the respect, trust and confidence of all governing authorities, students, other employees and the public at large.

- They shall devote their time, skills and energies to their positions both independently and in cooperation with other professionals.
- They shall abide by approved practices and recommended standards.

Responsibility as an Employee of the Association

College employees shall recognize and be accountable for their responsibilities as employees of a public community college.

- They shall be sensitive and responsive to the rights of the public and its changing needs.
- They shall strive to provide the highest quality of performance.
- They shall exercise prudence and integrity in the management of assets in their custody and in all activities.
- They shall uphold both the letter and the spirit of the constitution, legislation and regulations governing their actions and report violations of the law to the appropriate authorities.

Professional Development

College employees shall be responsible for maintaining their own competence and for enhancing the competence of their colleagues and for providing encouragement to those seeking to enter into community college service. College employees shall promote excellence in community college service.

Professional Integrity – Information

College employees shall demonstrate professional integrity in the provision and management of information.

- They shall not knowingly sign, subscribe to, or permit the issuance of any statement or report which contains any misstatement or which omits any material fact.

- They shall prepare and present statements and information pursuant to applicable law and generally accepted practices and guidelines.
- They shall respect and protect privileged information to which they have access by virtue of their position.
- They shall be sensitive and responsive to inquiries from the public and the media, within the framework of existing policy.

Professional Integrity – Relationships

College employees shall act with honor, integrity and virtue in all professional relationships.

- They shall exhibit loyalty and trust in the affairs and interests of the College, within the confines of this Code of Ethics.
- They shall not knowingly be a party to or condone any illegal or improper activity.
- They shall respect the rights, responsibilities and integrity of their colleagues and others with whom they work and associate.
- They shall manage all matters of personnel within the scope of their authority so that fairness and impartiality govern their decisions.
- They shall promote equal employment opportunities, and in doing so, oppose any discrimination, harassment or other unfair practice.

Conflict of Interest

College employees shall actively avoid the appearance of or the fact of conflicting interests.

- They shall discharge their responsibilities without favor and shall refrain from engaging in any outside matters of financial or personal interest incompatible with the impartial and objective performance of their College responsibilities and duties.
- They shall not, directly or indirectly, seek or accept personal gain which would influence, or appear to influence, the conduct of their official responsibilities and duties.
- They shall not use College property or resources for personal gain.

Board of Trustees
August 26, 2004

Suffolk County, NY
Tuesday, December 30, 2014

Chapter 77. ETHICS AND ACCOUNTABILITY

Part 1. Code of Ethics and Financial Disclosure

[Adopted 10-11-2011 by L.L. No. 55-2011^[1]]

[1]: Editor's Note: This local law also repealed former Art. I of this chapter, Financial Disclosure, adopted 6-13-1978 by L.L. No. 12-1978 (Ch. 61 of the 1985 Code), as amended.

Article I. Code of Ethics

§ 77-1. Definitions.

When used in this Part 1, the following terms shall have the meanings indicated:

AGENCY

A department, division, bureau, board, commission, advisory committee, office or other agency of County government.

AGENCY SERVED BY A PUBLIC OFFICIAL

- A. In the case of a County employee, the agency employing such employee; or
- B. In the case of other public servants, the agency which exercises control of the public servant or the agency to whom the public servant reports.

APPEAR

To make any communication, for compensation, other than those involving ministerial matters.

ASSOCIATED

A person or firm associated with a public servant includes a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial interest; and each firm in which the public servant has an interest.

BOARD

The Board of Ethics.

BUSINESS DEALINGS WITH THE COUNTY

Any transaction with the County involving the sale, purchase, rental, disposition or exchange of any goods, services, or property, or any license, grant or benefit, and any performance with respect to any of the foregoing, but shall not include any transaction involving the public servant's residence or any ministerial matter.

COUNTY

The County of Suffolk or any agency of the County of Suffolk.

COUNTY EMPLOYEE

All elected officials and public servants who are employed by the County and compensated for their services, but shall not include members of occupational licensing boards.

ELECTED OFFICIAL

A person holding office as County Executive, District Attorney, Clerk, Comptroller, Treasurer, Sheriff or member of the County Legislature.

FIRM

A sole proprietorship, joint venture, partnership, corporation or any other form of business enterprise.

INTEREST

A financial interest in a firm or a position with a firm held by a public servant, the public servant's spouse, domestic partner or unemancipated child.

LOBBYIST

A person or firm registered as a lobbyist with the County of Suffolk pursuant to Chapter 580 of the Suffolk County Code or any successor statute thereto.

MEMBER

A member of the Board of Ethics.

MINISTERIAL MATTER

An administrative act, including the issuance of a license, permit or other permission of the County, which is carried out in a prescribed manner and which does not involve substantial personal discretion.

OWNERSHIP INTEREST

An interest in a firm held by a public servant, or the public servant's spouse, domestic partner or unemancipated child, which exceeds 5% of the firm or an investment of \$25,000 in cash or other form of commitment, whichever is less, and any lesser interest in a firm when the public servant, or the public servant's spouse, domestic partner or unemancipated child, is an officer of the firm or exercises managerial control or responsibility regarding such firm, but shall not include interests held in any pension plan, deferred compensation plan or mutual fund, the investments of which are not controlled by the public servant, the public servant's spouse, domestic partner or unemancipated child.

PARTICULAR MATTER

Any case, proceeding, application, request for a ruling or benefit, determination, contract, investigation, charge, accusation, arrest or similar action which involves a specific party or parties.

POLITICAL PARTY OFFICER

A chairperson of any County political party committee elected pursuant to § 2-112 of New York Election Law or the chairperson of any duly constituted Town political party committee.

POSITION

A position in a firm, such as an officer, director, trustee or employee, or any management position, or as an attorney, agent, broker or consultant to the firm, which does not constitute an ownership interest in the firm.

PUBLIC SERVANT

All officials, officers and employees of the County, whether paid or unpaid.

SPOUSE

A husband or wife of a public servant who is not legally separated from such public servant.

SUPERVISOR

Any person having the authority to control or direct the work of a public servant.

UNEMANCIPATED CHILD

Any son, daughter, stepson or stepdaughter who is under the age of 18, unmarried and living in the household of the public servant.

§ 77-2. Prohibited interests in firms doing business with County.

- A. No public servant shall have an ownership interest in a firm which such public servant knows is engaged in business dealings with the department or agency served by such public servant.
- B. No County employee shall have an ownership interest in a firm which such employee knows is engaged in business dealings with the County.
- C. An individual who, prior to becoming a public servant, has an ownership interest which would be prohibited under this section, shall either:
 - (1) Divest of the ownership interest; or
 - (2) Terminate the business dealing with the County; or
 - (3) Disclose to the Board such ownership interest and comply with its order.
- D. A public servant who has an ownership interest and did not know of a business dealing which would cause the interest to be prohibited, but has subsequently gained knowledge of such business dealing; or a public servant who holds an ownership interest which, subsequent to the public servant's acquisition of the interest, enters into a business dealing which would cause the ownership interest to be prohibited; or a public servant, who, by operation of law, obtains an ownership interest which would be prohibited shall disclose to the Board such ownership interest. Further, the public servant will, within 15 days of knowing of the business dealing, either:
 - (1) Divest of the ownership interest; or
 - (2) Terminate the business dealing with the County; or
 - (3) Ask the Board to determine whether such ownership interest, if maintained, would be in conflict with the proper discharge of the public servant's official duties.
- E. When an individual discloses an ownership interest to the Board pursuant to Subsection C of this section, or a public servant requests that the Board make a determination regarding an ownership interest pursuant to Subsection D, the Board shall issue an order setting forth its determination as to whether or not such interest, if maintained, would be in conflict with the proper discharge of the public servant's official duties. In making such determination, the Board shall take into account the nature of the public servant's duties, the manner in which the interest may be affected by any action of the County, the appearance of conflict and such other factors as the Board deems appropriate. If the Board determines a conflict exists, the Board's order shall require divestiture or such other action as it deems appropriate which may mitigate such conflict.

§ 77-3. Prohibited conduct.

- A. A public servant who has an interest in a firm which is not prohibited by § 77-2 shall not take any action as a public servant particularly affecting that interest.
- B. No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.
- C. No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding 12 months.
- D. No public servant shall disclose any confidential information concerning the property, affairs or government of the County which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public or use such information to advance any financial or private interest of the public servant or of any person associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.
- E. No public servant shall solicit or accept any gift having a value of \$75 or more from any person or firm which such public servant knows is or intends to become engaged in business dealings with the County.
- F. No public servant shall receive compensation for performing any official duty except from the County or accept or receive any gift or gratuity from any person or entity whose interests will be affected by the public servant's official action or whose interests have been affected by the public servant's official action.
- G. No public servant shall solicit, accept or receive any gift or gratuity from a lobbyist.
- H. No public servant shall, for compensation, represent private interests before any County agency or appear directly or indirectly on behalf of private interests in matters involving the County. For a public servant who is not a County employee, this prohibition shall apply only to the agency served by the public servant.
- I. No public servant shall appear as attorney or counsel against the interests of the County in any litigation in which the County is a party, or in any action or proceeding in which the County, or any public servant of the County, acting in the course of official duties, is a complainant, provided that this subsection shall not apply to an elected official representing himself or herself, or to a public servant employed by an elected official who appears as attorney or counsel for that elected official, in any litigation, action or proceeding in which the elected official has standing and authority to participate by virtue of his or her capacity as an elected official. This subsection shall not apply to an elected official who represents himself or herself in an election law matter or to a public servant who represents a defendant in a criminal proceeding. For a public servant who is not a County employee, this prohibition shall apply only to the agency served by the public servant.
- J. No public servant shall coerce or attempt to coerce, by intimidation, threats or otherwise, another public servant to engage in political activities or participate in a political campaign. Participation in a political campaign shall include managing or aiding in the management of a campaign, soliciting votes, circulating nominating petitions or canvassing voters for a particular candidate or performing similar acts which are unrelated to the public servant's duties or responsibilities.
- K.

No public servant shall compel, induce or request any person to make a monetary or in-kind contribution to any candidate for elected office, committee or political party under threat of prejudice to, or promise of, advantage in rank, compensation or other job-related status.

- L. No public servant shall attempt to influence the course of any proposed legislation in the County Legislature that will affect an interest of the public servant or the interest of a person or firm associated with the public servant without publicly disclosing to the Legislature the nature and extent of the private interest.
- M. No public servant shall give or promise to give any portion of his or her compensation or any money or valuable thing to any person in consideration of having been nominated, appointed, elected or employed as a public servant.
- N. No public servant shall make personal use of County letterhead, personnel, equipment, supplies or resources.

§ 77-4. Prohibition on dual office-holding; other provisions relating to political party officials.

- A. No political party officer shall be eligible to serve as an elected official, department commissioner, assistant district attorney or member of any board, commission, authority, or public benefit corporation whose members are appointed by the County Executive or County Legislature.
- B. No elected official shall hold another paid position of employment with the County or a paid position of employment with any department, office, commission, board or agency of the United States of America, New York State, any town or village government, or public benefit corporation created under the provisions of New York State law. This provision shall not apply to an elected official who also holds a position as a teacher in a public school district or a professor at a public university or college.
- C. A political party officer may represent private interests before a County agency but he or she shall first disclose to the Board the nature and scope of the services to be provided.
- D. No political party officer or firm in which he or she holds an ownership interest shall have business dealings with the County, except that a political party officer or his or her firm may receive a contract from the County as a result of a competitive bidding process conducted in accordance with Article 5-A of the New York General Municipal Law.

§ 77-5. Exemptions.

This article shall not prohibit:

- A. An elected official from appearing without compensation before any County agency on behalf of constituents in the performance of his or her public duties and responsibilities.
- B. A public servant from accepting or receiving any County benefit which is provided for or made available to residents generally, or a substantial class of residents to which the public servant belongs.
- C. An elected official from proposing or voting on a measure that will provide a benefit to the elected official, if the benefit will be available to County residents generally or to a substantial class of residents to which the public servant belongs.
- D.

A public servant or public servant's spouse from acting as an attorney, agent, broker, officer, director or consultant for any not-for-profit corporation or other entity which operates on a not-for-profit basis, which has business dealings with the County, provided that such public servant takes no direct or indirect part in such business dealings and that the public servant receives no salary or other compensation for such activities.

- E. A contract between the County and a public servant for instructing approved emergency medical services training service programs.
- F. A contract between the County and a public servant for the purpose of providing a foster home for a child under the care of the Suffolk County Department of Social Services, unless the public servant's official responsibilities include approving, authorizing or auditing foster care payments.
- G. An elected official from accepting an invitation to, and attending and participating in, an event sponsored by a community group or organization.

§ 77-6. Post-employment restrictions.

- A. No public servant shall solicit, negotiate for, or accept employment with any firm which is involved in business dealings with the County while such public servant is directly concerned with or personally participating in those business dealings on behalf of the County. This prohibition shall not apply to positions in the federal, state or any local government.
- B. No former public servant shall appear, within a two-year period after his or her separation from County service, before the County agency served by such public servant. This prohibition shall not apply to a former public servant who appears before a County agency on behalf of another government entity as an elected representative or employee.
- C. No person who has served as a public servant shall appear before the County, or receive compensation for any services rendered, in relation to any particular matter in which such person had participated personally and substantially as a public servant.
- D. No elected official shall appear before any agency in the branch of County government served by such elected official within a period of two years after such official's separation from County service. For the purposes of this section, the executive branch consists of all agencies of the County, except the County Legislature. This prohibition shall not apply to a former elected official who appears before a County agency on behalf of another governmental entity as an elected representative or employee.
- E. No public servant shall, after leaving County service, disclose or use for private advantage any confidential information gained from County service which is not otherwise available to the public; however, this shall not prohibit any former public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal conduct or conflict of interest.
- F. No elected official may resign prior to the completion of his or her term of office and be employed by the County in any other position for a period of two years after his or her resignation.
- G. No elected official may resign prior to the completion of his or her term of office and be employed with a certified employee organization which engages in collective bargaining negotiations with the County for a period of two years after his or her resignation.
- H. No elected official whose term of office has expired may accept employment with a certified employee organization which engages in collective bargaining negotiations with the County for a period of two years after the expiration of his or her term.

- I. Nothing contained in this section shall prohibit a former public servant from being associated with or having a position in a firm which appears before a County agency or from acting in a ministerial matter regarding business dealings with the County.

§ 77-7. Recusal and disclosure.

- A. A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.
- B. Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:
 - (1) Promptly inform his or her immediate supervisor, if any;
 - (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
 - (3) Immediately refrain from participating further in the particular matter.

§ 77-8. Disclosure involving County contracts.

- A. Where a public servant has, or acquires, an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement with the County, the public servant shall disclose the nature and extent of that interest in writing to his or her immediate supervisor and to the Board as soon as he or she has knowledge of the actual or prospective interest.
- B. For the purposes of this section, "interest" means a direct or indirect pecuniary or material benefit accruing to the public servant as a result of a contract with the County. A public servant shall be deemed to have an interest in the contract of:
 - (1) His or her spouse, except as to his or her spouse's employment agreement with the County;
 - (2) A firm, partnership, or association of which the public servant is a member or employee; and
 - (3) A corporation of which the public servant is an officer, director or employee.

§ 77-9. Penalties for offenses.

- A. Upon a determination by the Board that a violation of § 77-1 or 77-2 involving a contract, sale or other transaction has occurred, the County may elect to void the contract, sale or transaction in question.
- B. Upon a determination by the Board that a violation of § 77-2, 77-3, 77-7 or 77-8 of this article has occurred, the Board shall have the authority to impose fines up to \$10,000 and to recommend to the hiring authority suspension or removal of the public servant from office or employment.
- C. Any person who knowingly violates § 77-2, 77-3, 77-4, 77-6, 77-7 or 77-8 of this article shall be guilty of a misdemeanor and subject to a term of imprisonment not in excess of one year and/or a fine of \$1,000.

Article II. Financial Disclosure

§ 77-10. Persons required to file financial disclosure statement.

Notwithstanding any other provision of law to the contrary, the following public servants and persons shall file with the Board the approved disclosure statement by May 15 of each year, unless a different date is provided below, answering each and every question contained in the statement:

- A. Elected officials and chairpersons of County political party committees.
- B. Each person, who is not otherwise required to file a financial disclosure statement pursuant to this article, who has declared his or her intention to seek nomination or election and who has filed a petition for the Office of County Executive, District Attorney, Comptroller, Clerk, Treasurer, Sheriff or County Legislature, shall file such statement on or before the last day for filing his or her designating petitions.
- C. Each person, who is not otherwise required to file a financial disclosure statement pursuant to this article, who has been designated to fill a vacancy in a designation or nomination for the Office of County Executive, District Attorney, Comptroller, Clerk, Treasurer, Sheriff or County Legislature, shall file such statement within 15 days after a certificate designating such person to fill such vacancy is filed with the Board of Elections.
- D. Each department head, chief deputy department head and deputy department head.
- E. Each employee of the County Executive's Office and the County Legislature whose responsibilities include the independent exercise of managerial or policymaking functions, as annually determined by the appointing authority, subject to review by the Board.
- F. Each County employee, other than an employee of the County Executive's Office and the County Legislature, who holds a policymaking position as annually determined by the head of his or her agency, subject to review by the Board.
- G. Each County employee whose duties at any time during the preceding calendar year involved the negotiation, authorization or approval of leases, franchises, revocable consents, concessions, real estate licenses and contracts, including those involving the sale, rental, or lease of real property.
- H. Members appointed to the Suffolk County Planning Commission, the Board of the Suffolk County Off-Track Betting Corporation, the Suffolk County Industrial Development Agency, the Suffolk County Water Authority, and the Board of Trustees of the Department of Parks, Recreation and Conservation.

§ 77-11. Procedures for filing and review of financial disclosure statements.

- A. Each agency head shall determine by February 15 of each year, subject to review by the Board, which persons within the agency are required to submit a financial disclosure statement pursuant to the provisions § 77-10F and G, and shall inform such employees of their obligation to file the statement. All agency heads shall file with the Board, by March 1 each year, a list of persons within their agency obligated to file a financial disclosure statement.
- B. The County Executive and the Presiding Officer of the County Legislature shall determine by February 15 of each year, subject to review by the Board, which persons within their respective

- offices are required to submit a financial disclosure statement pursuant to the provisions of § 77-10E. The County Executive and the Presiding Officer shall file with the Board, by March 1 each year, a list of persons within their offices obligated to file a financial disclosure statement.
- C. The Board shall promulgate rules establishing procedures whereby a person required to file an annual financial disclosure statement may request an additional period of time within which to file such report, due to justifiable cause or undue hardship. However, in no case shall the Board's rules authorize the filing of a statement later than September 1 in any year.
 - D. Any amendments and changes to a financial disclosure statement made after its filing shall be made on a separate form to be provided by the Board and attached to the statement.
 - E. The Board may establish rules and procedures for the electronic filing of financial disclosure statements.

§ 77-12. Content and form of statement.

- A. The financial disclosure statement filed in any given year shall provide financial information for the preceding calendar year.
- B. The statement set forth in the **Exhibit A**, attached hereto and made a part of this Part 1,^[1] shall be the approved financial disclosure statement for the County of Suffolk. Notwithstanding any other provision of law to the contrary, each person subject to financial disclosure requirements pursuant to § 77-10, shall file this approved financial disclosure statement, except that the members of the Suffolk County Planning Commission and the Suffolk County Parks Trustees shall complete the statement set forth in **Exhibit B**, which is attached hereto and made a part of this Part 1.^[2]

[1]: Editor's Note: Exhibit A is included at the end of this chapter.

[2]: Editor's Note: Exhibit B is included at the end of this chapter.

§ 77-13. Review of statement.

The Board or its staff will review each financial disclosure statement filed with it to determine if there has been compliance with this article governing financial disclosure.

§ 77-14. Public inspection of statements.

- A. Information filed in financial disclosure statements required by this article shall be maintained by the Board and shall be made available for public inspection, upon written request on such form as the Board shall prescribe. The Board shall respond to requests for inspection of financial disclosure statements in the order that they are received and within the time periods prescribed by New York's Freedom of Information Law.
- B. Any person required to file a statement may, at the time the statement is filed, submit a request to the Board, in such form as the Board shall require, to withhold any item disclosed therein on the ground that the inspection of such item by the public would constitute an unwarranted invasion of his or her privacy or a risk to the safety or security of any person. The Board shall evaluate such request and any such item shall be withheld from public inspection upon a finding by the Board that the inspection of such item by the public would constitute an unwarranted invasion of privacy or a risk to the safety or security of any person. The Board shall provide a written notification of the Board's determination to the person who requested that information be withheld from public

inspection in a timely manner, and shall not release the information subject to the request until at least 10 days after mailing such notification.

- C. Whenever the Board produces a financial disclosure statement for public inspection, the Board shall notify the person who filed the report of the production and of the identity of the person to whom such statement was produced.
- D. Categories of value shall be confidential and this information will be redacted by the Board before a financial disclosure statement is made available for public inspection.

§ 77-15. Retention of records.

Statements filed pursuant to this article and other records of the Board shall be retained and disposed of in accordance with the Records Retention and Disposal Schedule issued pursuant to Article 57-A of the New York Arts and Cultural Affairs Law.

§ 77-16. Penalties for offenses.

- A. Any person required to file a statement pursuant to this article who has not so filed at the end of one week after the required filing date shall be subject to a fine of not less than \$250 or more than \$1,000. In determining the amount of the fine, the Board shall consider factors, including, but not limited to, the person's failure in prior years to file a report in a timely manner, and the length of the delay in filing. The Board may waive a fine entirely if a person establishes that the failure to file a report in a timely manner was due to illness, injury or other hardship.
- B. If any County employee subject to financial disclosure requirements fails to file a statement as required by this article, the Board shall notify the employee's supervisor and the County Comptroller of such failure. Upon such notification, the Comptroller shall withhold the pay checks of said employee.
- C. Any intentional violation of this article, including but not limited to failure to file, failure to include assets or liabilities, and misstatement of assets or liabilities, shall constitute a misdemeanor punishable by imprisonment for not more than one year or by a fine not to exceed \$1,000, or both, and shall constitute misconduct and be grounds for disciplinary action, including removal from employment in the manner provided by law.

EXHIBIT

C



Category:
Academic Affairs
Community Colleges
Legal and Compliance
Research

Responsible Office:
Academic Affairs

Policy Title:
START-UP NY Program Participation Policy

Document Number:
6800

Effective Date:
February 10, 2014

This policy item applies to:
Community Colleges
State-Operated Campuses

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Summary

START-UP NY is a state economic development program that positions SUNY campuses as magnets for entrepreneurs and businesses from around the globe. START-UP NY aligns with SUNY's mission of teaching, research and public service; enabling engagement with industry, knowledge acceleration, translation of research into practical applications, and delivering the 21st century workforce businesses need to grow and thrive. START-UP NY will transform university communities to deliver unprecedented economic benefits to New York. To participate in the program, all campuses must comply with this policy and any applicable rules and regulations issued by the NYS Commissioner of Economic Development.

This policy governs the review process that all participating campuses must follow to secure SUNY's approval of the plans, applications, and other documents required by the NYS Commissioner of Economic Development to participate in the START-UP NY program. It also prescribes special requirements for the disclosure and management of actual or potential conflicts of interest in matters pertaining to the campus' START-UP NY program. Any conflict between this policy and any other applicable Conflict of Interest policy shall be resolved in favor of disclosure of any potential, actual, or perceived conflict of interest relating to the campus' START-UP NY program to the President or Chief Executive Officer of the sponsoring campus.

Policy

A. Campus Plans for Designation of Tax-Free Area(s): Any campus intending to submit a Campus Plan for Designation of Tax-Free Area(s) ("Campus Plan") to the NYS Commissioner of Economic Development must first have it reviewed and approved by the Chancellor or designee. The Chancellor or designee shall approve or reject all Campus Plans within fifteen (15) business days of receipt. Any rejected Campus Plan shall be accompanied by an explanation of the basis for rejection. Once approved by the Chancellor or designee a campus may submit its Campus Plan to the NYS Commissioner of Economic Development in accordance with the Commissioner's rules and regulations. Any Campus Plan that is rejected can be resubmitted for Chancellor

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or designee approval and will be reviewed in accordance with this policy and related procedures. Any amendments to approved Campus Plans must be submitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures.

- B. Sponsoring University or College Applications for Business Participation:** Any campus intending to submit a Sponsoring University or College Application for Business Participation ("Sponsor Application") to the NYS Commissioner of Economic Development must first have it reviewed and approved by the Chancellor or designee. The Chancellor or designee shall approve or reject all Sponsor Applications within thirty (30) business days of receipt. Any rejected Sponsor Application shall be accompanied by an explanation of the basis for rejection. Once approved the campus may submit the Sponsor Application to the NYS Commissioner of Economic Development in accordance with the Commissioner's rules and regulations. Any Sponsor Application that is rejected can be resubmitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures. Any amendments to approved Sponsor Applications must be submitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures.
- C. Delegations:** The Chancellor or designee may charge a group of individuals, collectively called the SUNY START-UP NY Proposal Review Team, to evaluate all submitted Campus Plans and Sponsor Applications prior to accepting or rejecting them.
- D. Conflicts of Interest:** Service as an Official shall not be used as a means for private benefit or inurement for any Official, a Relative thereof, or any entity in which the Official or Relative thereof has a Business Interest. A conflict of interest exists whenever an Official has a Business Interest or other interest or activity outside of the university that has the possibility, whether potential, actual, or perceived, of (a) compromising the Official's judgment, (b) influencing the Official's decision or behavior with respect to the START-UP NY Program, or (c) resulting in personal or a Relative's gain or advancement. Any Official who is an owner or employee of an entity that is the subject of any matter pertaining to the university's START-UP NY Program, or who has a Business Interest in any entity that is the subject of any matter pertaining to the university's START-UP NY Program, or whose Relative has such a Business Interest, shall not vote on or otherwise participate in the administration by the university of any START-UP NY matter involving such entity. Any Official or other campus representative who becomes aware of a potential, actual or apparent conflict of interest, either their own or that of another Official, related to a sponsoring university or college's START-UP NY program must disclose that interest to the President or Chief Executive Officer of the sponsoring college or university. Each such President or Chief Executive Officer shall maintain a written record of all disclosures of actual or potential conflicts of interest made pursuant to this policy, and shall report such disclosures on a calendar year basis, by January 31st of each year, to the University Auditor or to the Chancellor's designee, in which case the University Auditor shall be copied on the correspondence to such designee. SUNY shall then forward such reports to the Commissioner of Economic Development for the State of New York, who shall make public such reports.
- E. Exceptions:** There are no exceptions to this policy.

Definitions

Business Interest means that an individual (1) owns or controls 10% or more of the stock of an entity (or 1% in the case of an entity the stock of which is regularly traded on an established securities exchange); or (2) serves as an officer, director or partner of an entity.

Official means an employee at the level of dean and above as well as any other person with decision-making authority over a campus' START-UP NY Program, including any member of any panel or committee that recommends businesses for acceptance into the START-UP NY program.

Relative means any person living in the same household as another individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.

Sponsoring College or University means any entity defined or described in NYS Education Law Sec. 352 and Article 126.

START-UP NY Program means the SUNY Tax-free Areas to Revitalize and Transform Upstate New York Program established by Article 21 of the Economic Development Law.

Tax-Free NY Area means vacant land or space designated by the Commissioner of Economic Development Article

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21 of the Economic Development Law that is eligible to receive benefits under the START-UP NY program.

Other Related Information

Start-Up NY Regulations; available at the Start-Up NY Website.

At least thirty days before submitting the Campus Plan to the Commissioner of Economic Development the campus must provide a copy of the Plan to the chief executive officer of the municipality or municipalities in which the proposed Tax-free NY Area is located, local economic development entities, the applicable university or college faculty senate, union representatives and the campus student government. The campus shall include in their submission to the Commissioner of Economic Development certification of such notification, as well as a copy of any written response from chief executive officer of the municipality or municipalities in which the proposed Tax-free NY Area is located, local economic development entities, the applicable campus or college faculty senate, union representatives and the campus student government.

StartUp-NY.gov website and program information.

Procedures

START-UP NY Program Participation Procedures for

Forms

SUNY START-UP NY Campus Plan for Designation of Tax-Free Area(s) Memorandum

SUNY START-UP NY Campus Plan for Designation of Tax-Free Area(s) Template

START-UP NY Sponsoring University or College Application for Business Participation Memorandum

ESD START-UP NY Sponsoring University or College Application for Business Participation

ESD START-UP NY Business Application Instructions

ESD START-UP Business Application

Authority

State University of New York Board of Trustees Resolution 14-() . START-UP New York Program Administration, adopted January 14, 2014 .

Law, New York Economic Development Law Article 21 (Start-Up NY Program)

Start-Up NY Regulations

History

Enacted into law in June 2013, START-UP NY is a groundbreaking new initiative from Governor Andrew M. Cuomo that provides major incentives for businesses to relocate, start up or significantly expand in New York State through affiliations with public and private universities, colleges and community colleges. Businesses will have the opportunity to operate state and local tax-free on or near academic campuses, and their employees will pay no state or local personal income taxes.

Appendices

There are no appendices relevant to this policy.

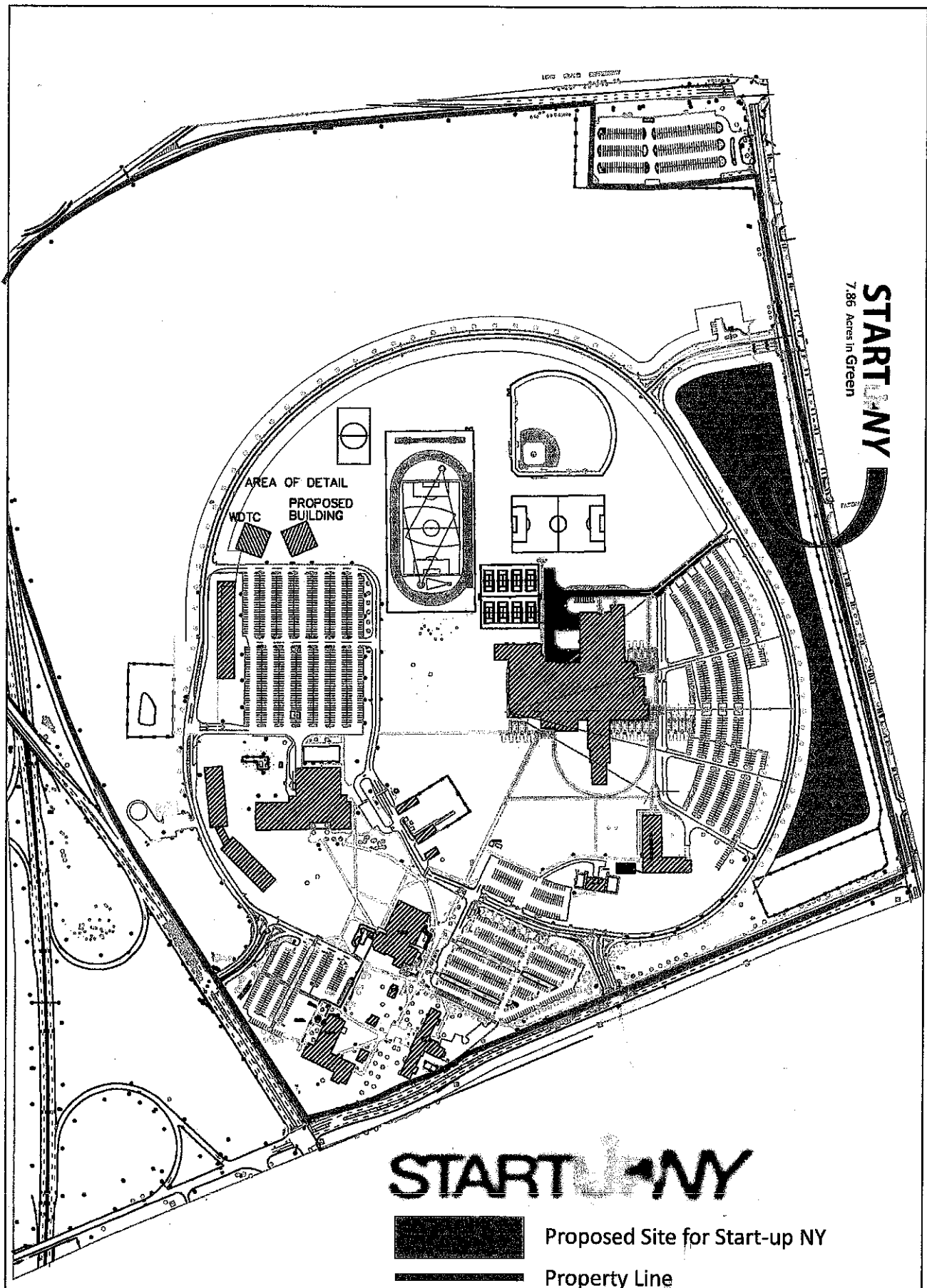
EXHIBIT

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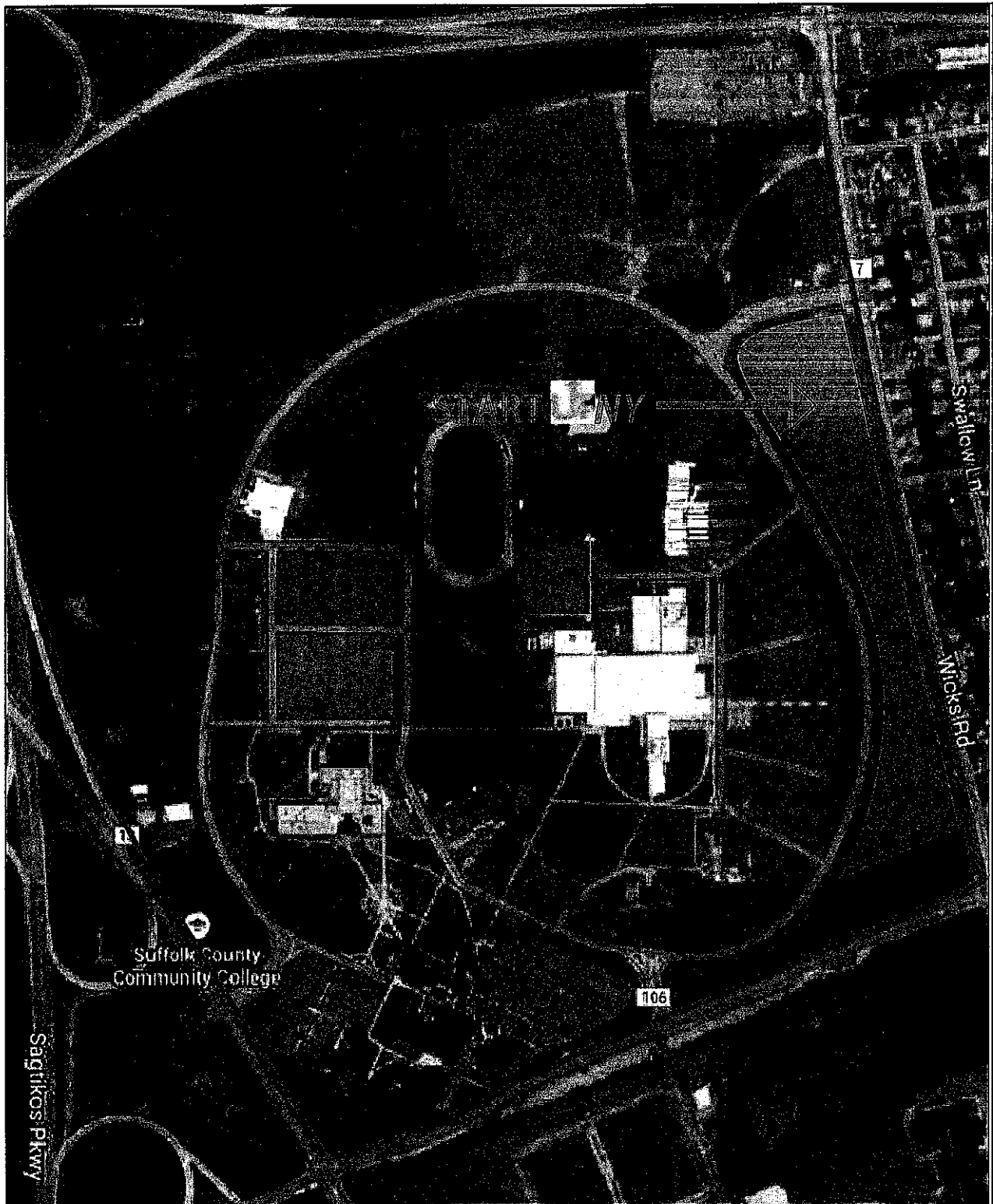
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EXHIBIT

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<div>Unique ID</div> <div>SU-332-1-L-BRENT-000-A</div> <div>533 College Road, Selden NY - 11784</div>	REVISIONS				State Project No:		<div>START-UP NY</div> <div>SUFFOLK COUNTY COMMUNITY COLLEGE</div> <div>MICHAEL J. GRANT CAMPUS</div> <div>CROOKED HILL ROAD, BRENTWOOD, NY-11717</div>	Drawn K.O.
	Rev Date:		Description		SCCC Project No:			Checked K.O.
					Location: Head Office			ADMIN. P.C.
					533 COLLEGE RD.			SCALE
					SELDEN			
	DISTRICT	SECTION	BLOCK	LOT			Dwg. No:	A1.01
	200	637	3	p027	NY - 11784			



START-UP NY



Proposed Site for Start-up NY



Property Line

Unique ID
SU-332-1-L-BRENT-000-A

REVISIONS			
Rev	Date	Description	
DISTRICT	SECTION	BLOCK	LOT
200	837	5	p027

State Project No:
SCOC Project No:
Location: Head Office
593 COLLEGE RD.
Selden
NY - 11784

START-UP NY

SUFFOLK COUNTY COMMUNITY COLLEGE
MICHAEL J. GRANT CAMPUS
CROOKED HILL ROAD, BRENTWOOD, NY-11717

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