

**ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**  
**PROCUREMENT POLICY \***

The Rockland County Solid Waste Management Authority was created as a public benefit corporation, pursuant to Public Authorities Law Title 13-M (the "Enabling Act"), to carry out its purpose of benefiting the people of the County of Rockland by dealing with solid waste and any products or by-products thereof. Among the powers granted to the Authority under Public Authorities Law Title 13-M is the power to make contracts and to execute all necessary and convenient instruments to further the Authority's stated public purpose. The only provision in the Authority's enabling act which specifies a required procurement procedure is that found in Public Authorities Law Section 2053-r which addresses "construction contracts". In general, there are no statutory requirements for public authorities to competitively bid procurement contracts. While there are no statutory or common law requirements for a public benefit corporation to make purchases, such as equipment purchases through public bidding, it is the practice in the past and now it will be the formal policy of this Authority to actively solicit competition for such procurements. Whether, competition is solicited pursuant to a formal competitive bidding process or a less formal method such as obtaining proposals or verbal or written quotations, will depend upon the nature of the particular purchase. By promoting the competitive securing of goods and services, the Authority will assure the prudent and economic use of public monies in the best interests of the citizens of the County of Rockland and will facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances. It is also the intention of this Policy to guard against favoritism, improvidence, extravagance, fraud and corruption, and, wherever possible within existing laws, to promote and support local businesses and industry. The implementation of this voluntary purchasing policy will foster a greater degree of public accountability on the part of the Authority and those involved in the procurement process and will provide greater assurance that procurements will be based upon the best interests of the citizens of the County of Rockland.

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\* Amended September 23, 2004 to add Bid/Proposal Protest Procedures

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

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

**CONSTRUCTION CONTRACTS**

Except as set forth herein, all contracts or orders for work, material or supplies performed or furnished in connection with construction shall be awarded by the Authority pursuant to a Resolution of the Authority Board. Such awards, when applicable, shall be made in compliance with paragraph (e) of Subdivision 4 and Subdivision 7 of Section 120-w of the General Municipal Law. In any such construction contract, the Authority may provide a program for the payment of damages for delays and incentive awards in order to encourage timely project completion. An action, suit or proceeding contesting the validity of a contract awarded pursuant to this section, or the validity of the procedures relating to such award, shall be governed by the provisions of Subdivision 6 of Section 120-w of the general municipal law and the term ‘municipality’ as used in such subdivision 6 shall mean the authority.

The person whose bid or proposal is accepted shall give security for the faithful performance of the contract, and such other security as the Authority may require, and may be required to maintain any construction done under the contract for such period as shall be stipulated, all in the manner prescribed and required by this Authority and the sufficiency of such security shall, in addition to the justification and acknowledgment, be approved by the Authority’s Executive Director. All bids or proposals shall be publicly opened by the Authority Board or its duly authorized staff. If the person whose bid or proposal has been accepted after advertising shall neglect or refuse to accept the contract within five working days after written notice that the contract has been awarded to him on his bid or proposal, or if he/she accepts but does not execute the contract and give proper security, the Authority shall have the right to declare his/her deposit forfeited.

In case any work shall be abandoned by any contractor, the Authority may, if it determines that the public interest is thereby served, adopt on behalf of the Authority any and all subcontracts made by such contractor for such work and all such subcontractors shall be bound by such adoption, if made.

No bid or proposal shall be accepted from or any contract awarded to any person or corporation who is in arrears to the Authority or the County of Rockland upon any obligation of the Authority or the County of Rockland. Every contract when made and entered into, as herein provided for, shall be executed in duplicate, one copy which shall be held by the Authority and one copy which shall be delivered to the contractor. The provisions of this section shall supersede any inconsistent provisions of the General Municipal Law or any other general, special or local law or the charter of the County.

## PURCHASES OF GOODS, EQUIPMENT AND SERVICES

### Competitive Sealed Bids

Except as otherwise expressly provided herein, all purchases of goods, equipment and services by the Authority involving an expenditure of more than \$25,000.00 and all other such purchase contracts involving an expenditure of more than \$25,000.00 shall be made pursuant to an open competitive bidding process as set forth herein and shall be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided for by this Procedure. In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by the Authority, the gross price shall be reduced by the amount of such allowance, for the purposes of determining the low bid. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, the Authority's Board of Directors may award the contract to any of such bidders. The Authority reserves its discretion to reject all bids and re-advertise for new bids in the manner provided for in this Procedure.

For purchases of goods, services or equipment over \$5,000.00 but less than \$25,000.00, the Executive Director or his designate shall obtain three or more written quotes, whenever possible, and shall document and retain those quotes for a period of at least two years. The Authority Board shall approve any such contract with a value in excess of \$50,000.

For purchases of goods, services or equipment involving a total purchase price of less than \$5,000.00, the Executive Director or his designate shall, whenever possible, obtain at least three verbal or telephone quotes from different vendors and document the substance of those quotes, and specifics (i.e., vendor name, date, time, contact person, reasons) for those not choosing to quote. Documentation of quotations is required. For non-recurring small purchases, at levels of less than \$1,000.00, competitive quotes are not required.

### Competitive Negotiations

Notwithstanding any otherwise applicable provisions of this Policy, the Authority may award contracts for purchases of goods, equipment and services

involving expenditures of more than \$25,000.00 through a competitive negotiations process if the Executive Director determines in writing that competitive sealed bids for the award of any such contract, as set forth herein, is not practicable. In making a determination as to the practicability of competitive sealed bidding for purposes of this Policy, the Executive Director shall consider all factors he or she deems relevant to the particular contract award; including, but not limited to, the following:

- (1) Whether specifications can be prepared that permit award on the basis of either the lowest qualified bid price or the lowest qualified evaluated bid price;
- (2) Whether the available sources, the time and place of performance, and other relevant circumstances are appropriate for the use of competitive sealed bidding;
- (3) Whether the contract is expected to involve combined, multiple, complex or diverse services or elements of performance that lend themselves to an evaluation of offers on a basis other than lowest qualified bid price or lowest qualified evaluated bid price;
- (4) Whether judgment is required in evaluating competing proposals and it is in the best interest of the Authority to require a balancing of price, quality, experience and other factors, and
- (5) Whether clarification, development and negotiation of the terms and conditions of the contract are necessary or desirable to achieve the Authority's goals in the transaction.

#### Competitive Negotiation Process - Procedures

In undertaking a competitive negotiation process for the award of a contract pursuant to this Policy, the Executive Director shall comply with the following procedures:

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

(3) Adequate public notice of the request for proposals shall be given in the manner provided in the Section entitled "Advertisement of Proposals"; and

(4) Award shall be made to the responsible proposer whose proposal is determined in writing to be the most advantageous to the Authority, taking into consideration price and nonprice evaluation factors set forth in the request for proposals.

The Authority Board shall approve any such contract with a value in excess of \$50,000.

#### Construction, Reconstruction and Repairs

Contracts involving construction, reconstruction, maintenance or repair activities otherwise not covered under "Construction Contracts" above shall be subject to the requirements set forth herein for purchase of goods, services and equipment.

#### PROFESSIONAL SERVICE CONTRACTS

Contracts which require professional methods, character or standards or require a State license to practice, or special skill and training or which may be creative and specialized in nature are considered to be professional service contracts. Such services shall be exempt from the Competitive Sealed Bids and Competitive Negotiations provisions set forth above. The Authority may procure professional services on a negotiated basis, and may request such information as the Executive Director deems appropriate to select the most qualified firm for a reasonable fee.

#### LEASE ARRANGEMENTS

Leases of equipment shall also be awarded after a competitive process. Authority staff shall obtain formal written quotations or proposals from three or more vendors for any lease involving in excess of \$25,000.00 annually. For leases involving in excess of \$25,000.00 annually, staff shall obtain written quotations or proposals setting forth the particulars as to the equipment or space to be provided and details as to cost, on an annual and total lease basis, which may be used for evaluation of the proposal. The lease shall also include details as to additional cost beyond the base lease amount necessary to properly evaluate the equipment to be leased prior to award to the successful vendor. For leases involving an annual total lease expense of less than \$25,000.00, Authority staff shall secure at least three informal quotes, whenever possible, and perform the same evaluation before making a recommendation to the Executive Director relative to the selection of a lessor for the equipment to be leased. Any lease of real property shall be exempt from the provisions of this Policy, and shall be procured under an alternative procurement policy approved by the Authority Board.

## SOLE SOURCE

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

## EMERGENCIES

Notwithstanding any of the other provisions in this Policy, in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting Authority buildings, Authority property or the life, health, safety or property of Authority employees, customers or the general public require immediate action which cannot await a competitive process or competitive bidding, contracts for public work or the purchase of supplies, materials or equipment or services may be let by the Chairman, Treasurer, Executive Director, Executive Committee or Authority Board by immediate contract and the Executive Director may temporarily dispense with the competitive bidding or procurement requirements set forth herein. However, a good faith emergency must exist and while the emergency purchases do not require competitive bidding, it is nevertheless the policy and procedure of this Authority that such purchases must, wherever possible, be made in light of the nature of the emergency and the goods, equipment and services to be provided for a reasonable cost, and in the best interest of the Authority. The term of any contract entered into due to the occurrence of an emergency as set forth herein shall be for a length of time deemed reasonable by the Executive Director taking into consideration the nature of the emergency and the goods, equipment and services to be provided, including the costs related thereto.

## STANDARDIZATION

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

## SURPLUS AND SECOND-HAND SUPPLIES

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

## PURCHASES THROUGH COUNTY OR STATE

Notwithstanding the provisions of this procedure, the Authority is authorized to make purchases of material, equipment or supplies, when available, utilizing the County or State's existing, current competitive procurement lists directly, and the Executive Director may make such purchases he deems appropriate. The sole exception is in the instance where bids have already been received by the Authority for the purchase by the Authority of the material, equipment or supplies, and such purchase cannot be made upon the same terms, conditions and specifications and at a lower price through the County or State. When there are multiple local vendors for the same product at the same price under these State or County contract lists, it is Authority policy to distribute purchases among all of these vendors and thereby equitably distribute business opportunities to as many vendors as practical.

## INTER-AGENCY AGREEMENTS

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

## ADVERTISEMENT AND OPENING OF BIDS

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

## ADVERTISEMENT OF PROPOSALS

Except for any contract awarded pursuant to Section 120-w of the General Municipal Law, including the notice requirements of Subdivision 2 of Section 120-w

of the General Municipal Law, advertisements for a request for proposals issued pursuant to a Competitive Negotiation process as set forth above shall be published in the official Authority newspapers designated for such purpose. Such advertisement shall contain a statement of the time when, and place where proposals will be received. Authority staff may also take all such additional measures as possible to maximize the response to the request for proposals and thereby increase competition. At least ten business days shall elapse between the first publication of such advertisement and the date so specified for receipt of proposals.

### BID OR PROPOSAL MISTAKE

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

### BID/PROPOSAL PROTEST PROCEDURES

(1) Introduction

(a) The following procedures shall apply to all procurements conducted by the Rockland County Solid Waste Management Authority (the "Authority").

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

(c) All protests shall be filed in writing with the Executive Director for the Authority, and shall be addressed as follows:

Executive Director  
Rockland County Solid Waste Management Authority  
420 Torne Valley Road  
Hillburn, New York 10931

(d) A protest found by the Authority to be patently without merit or not brought in a timely manner may be rejected without further consideration. Protest submissions should be factual, complete, concise, logically arranged and clearly state all grounds for the protest. All protests must include the following information:

- Name, address, telephone and facsimile number of protestor and designated contact person for purposes of the protest;

- Solicitation or contract number which is the subject of the protest;
- Detailed statement of the legal and factual grounds of the protest, including copies of relevant documents;
- Basis for the protester's status as an Interested Party;
- Date on which the protestor first learned of the alleged improprieties, if applicable; and
- Statement as to what relief is requested.

(e) If the Authority finds that none of the conditions set forth in Section (1)(d) apply, and a protest is timely filed pursuant to the provisions set forth in Section (2), below, the Authority will cease all further actions regarding a procurement until the protest is decided. Therefore, while such a protest is being decided, the Authority will not open bids or proposals, or award the contract if such steps have not already been taken. The Authority may, in its discretion, accept further bids or proposals to be held unopened until the protest is decided.

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

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

(2) Time for Filing Protests

(a) Protests Regarding Specifications

Protests that are based upon claims by any Interested Party that the Specifications are in any way ambiguous, incorrect, incomplete, or unduly restrictive, must be filed in accordance with Section (1)(c) of these Procedures so that the Authority receives the protest no later than fourteen (14) business days prior to the closing date for receipt of initial bids or proposals.

(b) Protests Regarding Alleged Improprieties in Solicitation

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

(c) Post-award Protests

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

(d) Notice for Post-award Protests

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

(3) Authority's Response to Protests

(a) An award of a contract prior to the protest determination may be made when the Authority determines that:

- The items or services to be procured are urgently required; or
- Delivery or performance will be unduly delayed by failure to make the award promptly; or
- Failure to make prompt award will otherwise cause undue harm to the Authority; or
- The Authority determines that the process for making a determination will involve an investigation that may become lengthy.

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

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

RECYCLED PRODUCTS

All products purchased by the Authority shall be recycled products, which meet contract specifications, unless the only available product does not contain recycled content, and provided that the cost of the recycled product does not exceed

a cost premium of ten percent above the cost of a comparable product that is not a recycled product or, if at least fifty percent of the secondary material utilized in the manufacture of that product are generated from the waste stream in New York state, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product. For the purpose of this section, "recycled product" shall mean, any product which has been manufactured from secondary materials, as defined in Subdivision 1 of Section 261 of the economic development law, and which meets the requirements of Subdivision 2 of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto.

#### SUPPORT FOR MINORITY, WOMEN-OWNED, AND SMALL BUSINESSES

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

#### LEGAL REVIEW

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

#### STATEMENT OF NON-COLLUSION REGARDING BIDS AND PROPOSALS SUBMITTED TO AUTHORITY

Every bid or proposal hereafter made to the Authority, for work, goods, equipment or services shall contain the following statement subscribed by the bidder or proposer and affirmed by such bidder or proposer as true under the penalties of perjury:

- (a) By submission of this [bid or proposal], each [bidder or proposer] and each person signing on behalf of any [bidder or proposer] certifies, and in the case of a joint [bid or proposal] each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:

(1) The prices in this [bid or proposal] have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other [bidder or proposer] or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this [bid or proposal] have not been knowingly disclosed by the [bidder or proposer] and will not knowingly be disclosed by the [bidder or proposer] prior to opening, directly or indirectly, to any other [bidder or proposer] or to any competitor; and

(3) No attempt has been made or will be made by the [bidder or proposer] to induce any other person, partnership or corporation to submit or not to submit a [bid or proposal] for the purpose of restricting competition.”

- (b) A [bid or proposal] shall not be considered for award nor shall any award be made where (a)(1), (2) and (3) above have not been complied with; provided however, that if in any case the [bidder or proposer] cannot make the foregoing certification, the [bidder or proposer] shall so state and shall furnish with the [bid or proposal] a signed statement which sets forth in detail the reasons therefore. Where (a)(1), (2) and (3) above have not been complied with, the [bid or proposal] shall not be considered for award nor shall any award be made unless the Executive Director, or his designee, determines that such disclosure was not made for the purpose of restricting competition.”

### ETHICS AND CONFLICT OF INTEREST

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

### GRANT FUNDS

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

## THE MACBRIDE PRINCIPLES

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

## ANNUAL REVIEW

The Executive Director shall annually review this Policy and make recommendations to the Authority Board relating thereto as he or she deems appropriate.

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## THE MACBRIDE PRINCIPLES

### —THE ESSENCE—

*By Father Sean McManus*

*President, Irish National Caucus*

*Updated February 2001*

There are 69 United States companies (with over 9 employees) doing business in Northern Ireland and many of them — because of the systematic practice and endemic nature of anti-Catholic discrimination — had been subsidizing discrimination. (However, since the MacBride Campaign began, 58 companies have agreed to "make all lawful efforts to implement the fair employment practices embodied in the MacBride Principles" in their Northern Ireland operations).

#### **Systematic Discrimination**

Since the British government undemocratically and violently created the State of Northern Ireland in 1920, Catholics have been discriminated against in almost every way, particularly in employment. All their many protests failed because the effectiveness of protests depended on the good faith of previous British governments. That good faith was not there (I make an exception for the current British Government, led by Prime Minister Tony Blair).

What was needed, therefore, was a campaign that did not depend on the good faith of the British government, but on the fairness of the American people and the leverage of their investment and purchasing dollars... Hence, the MacBride Principles. The Principles were initiated, proposed and launched the Irish National Caucus in November 1984.

#### **The MacBride Principles**

The MacBride Principles — consisting of nine fair employment principles — are a corporate code of conduct for U.S. Companies doing business in Northern Ireland and have become the Congressional standard for all U.S. trade, or economic dealings with, Northern Ireland. The Principles do not call for quotas, reverse discrimination, divestment (the withdrawal of U.S. Companies from Northern Ireland) or disinvestment (the withdrawal of funds now invested in firms with operations in Northern Ireland). The Caucus positively encourages non-discriminatory U.S. investment in Northern Ireland. The MacBride Campaign is conducted on a three-fold level:

(1) Federal- The MacBride Principles became the law of the U.S. in October 1998. The U.S. House and Senate passed the MacBride Principles -- as part of the Omnibus Appropriations Act for Fiscal Year 1999 -- and President Clinton

signed them into law. The MacBride law mandates that recipients of U.S. contributions to the International Fund for Ireland (IFI) must be in compliance with the MacBride Principles. (The U.S. has been contributing about \$19.6 million per year since 1986 to the IFI.)

(2) State and Cities- Millions of dollars in State and City pension and retirement funds are invested in American corporations doing business in Northern Ireland. The MacBride Campaign lobbies to have legislation passed to direct these funds to be invested, in the future, only in companies that endorse the Principles (again, note, not divestment or disinvestments). This is the first step. The second step — once the MacBride Principles investment has been passed — is to get a contract compliance law passed.

(3) Shareholder Resolutions- The Campaign works to have Shareholders pass resolutions endorsing the Principles.

### **Impressive Support for Campaign**

The MacBride Principles have been passed in the following 18 States:

Connecticut, Florida, Illinois, Maine, Massachusetts, Michigan, Minnesota, Kentucky, Missouri, Nebraska, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Texas, Vermont and California .

The Principles have been passed or endorsed by over 40 Cities, and are pending in many more.

The Principles have been endorsed by the following organizations or individuals: the Irish Government:

- The Reverend Jesse Jackson; Randall Robinson of Trans Africa — a group that sponsored Nelson Mandela's visit to the United States
- New York State Governor George Pataki
- Former New York State Governor Mario Cuomo
- New York City Mayor Rudolph Giuliani
- Former New York City Mayor David Dinkins
- Former Boston Mayor Raymond Flynn (and former Ambassador to Vatican)
- The AFL-CIO; the National Council of Churches
- The American Baptist Convention
- The Episcopal Church
- The Lutheran Pension Board
- The United Church of Christ Board of World Ministries

- The United Methodist Church
- Many U.S. Catholic bishops
- And by virtually all Irish-American organizations.

The MacBride Principles have been the most effective American campaign Ireland since Partition. It has provided Irish-Americans with a direct, meaningful and non-violent means of addressing discrimination in Northern Ireland. No longer does one hear the British Government or others telling Irish-Americans to "mind their own business." It is our business to mind our investment dollars and foreign aid are doing in Northern Ireland. The MacBride Principles are non-violent, morally correct, politically effective and our duty as responsible investors.

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The author is President of the Irish National Caucus (INC). The INC is the Irish Lobby on Capitol Hill, Washington, D.C. It is non-violent and non-sectarian. It has no foreign principal and does not support, morally or financially, any group or party in any part of Ireland. It does not send money to Ireland. All its funds are raised and spent in the United States.

THE MacBride PRINCIPLES – The List  
 initiated, proposed, and launched by  
 the Irish National Caucus in November 1984  
 (Amplifications issued by Sean MacBride in 1986 appear in plain text)

(1) Increasing the representation of individuals, from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

A workforce that is severely unbalanced may indicate prima facie that full equality of opportunity is not being afforded all segments of the community Northern Ireland. Each signatory to the MacBride Principles must make every reasonable lawful effort to increase the representation of underrepresented religious groups at all levels of its operations in Northern Ireland.

(2) Adequate security for the protection of minority employees at the workplace.

While total security can be guaranteed nowhere today in Northern Ireland, each signatory to the MacBride Principles must make reasonable good faith efforts to protect workers against intimidation and physical abuse at the workplace. Signatories must also make reasonable good faith efforts to ensure that applicants are not deterred from seeking employment because of fear for their personal safety at the workplace.

(3) Banning provocative sectarian or political emblems from the workplace. Each signatory to the MacBride Principles must make reasonable good faith efforts to prevent the display of provocative sectarian emblems at their plant in Northern Ireland.

(4) Providing that all job openings be advertised publicly and providing the special recruitment efforts be made to attract applicants from underrepresented religious groups.

Signatories to the MacBride Principles must exert special efforts to attract employment applications from the sectarian community that is substantially underrepresented in the

workforce. This should not be construed to imply a diminution of opportunity for other applicants.

(5) Providing that layoff, recall and termination procedures do not favor a particular religious group,  
Each signatory to the MacBride Principles must make reasonable good faith efforts to ensure that layoff, recall and termination procedures do not penalize religious groups disproportionately. Layoff and termination practices that involve seniority solely can result in discrimination against a particular religious group if the bulk of employees with greatest seniority are disproportionately from another religious group.

(6) Abolishing job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion,  
Signatories to the MacBride Principles must make reasonable good faith efforts to abolish all differential employment criteria whose effect is discrimination on the basis of religion. For example, job reservations and apprenticeship regulations that favor relatives of current or former employees can, in practice, promote religious discrimination if the company's workforce has historically been disproportionately drawn from another religious group.

(7) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees,  
This does not imply that such programs should not be open to all members of the workforce equally.

(8) Establishing procedures to assess, identify and actively recruit minority employees with the potential for further advancement,  
This section does not imply that such procedures should not apply to all employees equally.

(9) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described above.  
In addition to the above, each signatory to the MacBride Principles is required to report annually to an independent monitoring agency on its progress in the implementation of these Principles.

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#### Cities and Counties :

The following Cities and Counties have passed MacBride Principles Legislation:

Albany County\*(NY)  
Baltimore (MD)  
Binghamton (NY)  
Boston (MA)  
Burlington (VT)  
Chicago (IL)  
Cleveland\* (OH)  
Detroit (MI)  
Hartford (CT)  
Kansas City (MO)  
Lackawanna County (PA)

Monroe, Orange City (NY)  
Minneapolis (MN)  
New Haven (CT)  
New York\* (NY)  
Omaha (NE)  
Philadelphia (PA)  
Philadelphia (PA)  
Rensselaer\* (NY)  
Rochester\* (NY)  
San Francisco (CA)  
Scranton\* (PA)  
Saint Louis (MO)  
Saint Paul (MN)  
Springfield (MA)  
Tucson (AZ)  
Washington (DC)  
Wilmington (DE)

(\*Denotes cities that have also passed contract compliance legislation on the MacBride Principles)

The Following Cities and Counties have passed resolutions endorsing the MacBride Principles:

Bucks City (PA)  
Bridgeport (CT)  
Cambridge (MA)  
Carbondale (PA)  
Chicago (IL)  
Honolulu (HI)  
Lawrence (MA)  
Nashua (NH)  
Orangetown (NY)  
Portland (ME)  
Providence (RI)  
Rockland County (NY)  
Union City (NJ)  
West Caldwell (NJ)  
Westchester County (NY)  
Worcester (MA)  
Yonkers (NY)

**Internationally:**

The Irish Government; the British Labor Party  
Major sections of the British and Irish trade union movements  
Nobel Peace Prize Winner and co-founder of the Peace People,  
Mairead Corrigan of Belfast

**Religious Leaders, Organizations and Pension Funds:**

American Baptist Convention  
American Baptist Churches, USA  
Archdiocese of Manchester, New Hampshire  
Archdiocese of New York  
Cardinal O'Connor  
Christian Brothers Investment Services  
Church Women United  
Episcopal Church in America  
Florida Catholic Conference

Franciscan Friars  
 Interfaith Center for Corporate Responsibility  
 Leadership Conference of Religious Women (a coalition of 250 Protestant  
 Catholic denominations)  
 Lutheran Pension Board  
 National Council of Churches  
 Oblate Fathers  
 Sisters of Charity of New York and New Jersey  
 Sisters of Dominic of Sensinwa, WI; Caldwell, NJ; Adrian, MI and Sparki  
 NY.  
 Society of Atonement  
 Society of Jesus  
 Unitarian Universalist Association  
 United Methodist Church  
 United Church of Christ Board of World Ministries

Recently the Protestant and Catholic Churches in Ireland joined with the  
 Protestant and Catholic Churches of the United States of America and  
 Issued a call for Fair Employment and Investment in Northern Ireland.  
 This is what they said about the MacBride Principles:

*"Many Americans support the MacBride Principles, as amplified, as good  
 faith, nonviolent means to promote fair employment. We urge that any supp  
 of these amplified principles, which offer positive values and focus on fair  
 employment, be joined with continued support for strong fair employment  
 measures and an active commitment to investment and job creation. The  
 amplified principles, as many of their advocates agree, should not be used  
 discourage investment or encourage disinvestments."*

In March, 1994, the European Parliament issued a Report on discrimination  
 Northern Ireland. The Report stated that American pressure was "responsib  
 for reopening the question of discrimination in Northern Ireland. . . ."  
 This Report also states that "Northern Ireland Catholics see the worldwide  
 'MacBride Principles' campaign as a great source of support in overcomin  
 their problems and [this Report] endorses the campaign's moral principles.  
 ."

#### **Organized Labor in America:**

AFL-CIO  
 Irish-American Labor Coalition  
 National Education Association

#### **Major Non-religious, Private Institutional Shareholders:**

Ford Foundation Pension Fund  
 Radcliffe College Pension Fund  
 Franklin Research and Development Corporation  
 Wellesley College Pension Fund  
 Georgetown University Pension Fund  
 Wesleyan University Pension Fund  
 Harvard University Pension Fund

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**U.S. COMPANIES AGREEING TO THE MACBRIDE PRINCIPLES  
 AND DATES OF AGREEMENT  
 (As of January 2001)**

These US Companies have agreed in writing to "make all lawful efforts to implement the Fair Employment Practices embodied in the MacBride Principles in their Northern Ireland operations (some of these companies no longer operate in Northern Ireland or have been bought by another company)

Overall, there are 120 companies doing business in Northern Ireland. But only 69 publicly-traded companies have more than 10 employees. (It is only publicly-traded companies with over 10 employees that are obliged by British law to keep a statistical breakdown of the workforce by religion.)

<b>COMPANY</b>	<b>DATE</b>
AES Corporation	1996
Alexander & Alexander Services	1991
Allstate Corp.	2000
AM International	1991
American Home Products	1991
AT&T	1992
Avery Dennison	1992
AVX Corporation	1997
Bemis Corporation	2001
Chesapeake Corp	1999
Conoco	1999
Dana Corporation	1995
Data General	1991
Digital Equipment	1989
Donnelly(R.R.)&Sons	1999
DuPont	1992
Emerson Electric	1998
Estee Lauder	1999
Federal Express	1990
Ford Motor Company	1998
Fort James	1998
Fruit of the Loom	1991
GATX Corporation	1993
General Electric	1998
General Motors	1995
Honeywell	1990
Household International	1998
Hyster (NACCO Industries)	1991
IBM	1992
Keyspan Energy	1997
McDonald's Corporation	1994
Marsh and McClennan	1994
Minnesota Mining and Manufacturing (3M Corp)	1996
Northern Telecom (BCE Corporation)	1993
NYNEX	1990
Oneida	1991
Petsmart	1999
Phillip Morris	1995
Pitney Bowes	1990
Procter & Gamble	1991
Reynolds Metals	1994
Sara Lee	1991
Shaw Industries	1996

Sonoco	1991
Sun Healthcare	1999
Teleflex	1991
Texaco	1991
Toys 'R' Us	1999
Tyco International	1994
Unisys	1993
United Technologies	2001
Verizon	2000
VF Corporation	1992
Viacom	1999
Warnaco	1995
Waste Management	1998
Westinghouse Electric	1995
Xerox Corporation	1996



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**Resolution No. 46 of 2004  
Amending Procurement Policy to  
Include Bid/Proposal Protest Procedures**

**WHEREAS**, the Rockland County Solid Waste Management Authority (the "Authority"), is a public benefit corporation, duly organized and existing under the New York State Public Authorities Law, Title 13-M; and

**WHEREAS**, the Authority has determined that a bid/proposal protest procedure should be instituted to apply to all procurements conducted by Authority to provide bid/proposal protesters with a mechanism for bringing challenges to bids and/or proposals issued by the Authority; and

**WHEREAS**, the attached procedures have been approved by the Authority Board; now therefore be it

**RESOLVED**, that the attached Bid/Proposal Protest Procedures are hereby adopted; and it is further

**RESOLVED**, that said Bid/Proposal Protest Procedures be effective immediately.

**ROCKLAND COUNTY SOLID WASTE MANAGEMENT AUTHORITY**

**BID/PROPOSAL PROTEST PROCEDURES**

**1. Introduction**

1.1 The following procedures shall apply to all procurements conducted by the Rockland County Solid Waste Management Authority (the "Authority").

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

1.3 All protests shall be filed in writing with the Executive Director for the Authority, and shall be addressed as follows:

Executive Director  
Rockland County Solid Waste Management Authority  
420 Torne Valley Road  
Hillburn, New York 10931

1.4 A protest found by the Authority to be patently without merit or not brought in a timely manner may be rejected without further consideration. Protest submissions should be factual, complete, concise, logically arranged and clearly state all grounds for the protest. All protests must include the following information:

- Name, address, telephone and facsimile number of protestor and designated contact person for purposes of the protest;
- Solicitation or contract number which is the subject of the protest;
- Detailed statement of the legal and factual grounds of the protest, including copies of relevant documents;
- Basis for the protester's status as an Interested Party;
- Date on which the protestor first learned of the alleged improprieties, if applicable; and
- Statement as to what relief is requested.

1.5 If the Authority finds that none of the conditions set forth in Section 1.4 apply, and a protest is timely filed pursuant to the provisions set forth in Section 2, below, the Authority will cease all further actions regarding a procurement until the protest is decided. Therefore, while such a protest is being decided, the Authority will not open bids or proposals, or award the contract if such steps have not already been taken. The Authority may, in its discretion, accept further bids or proposals to be held unopened until the protest is decided.

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

1.7 Compliance with these Procedures shall be a condition precedent to the filing of any legal challenge regarding a procurement by the Authority.

## **2. Time for Filing Protests**

### **2.1 Protests Regarding Specifications**

Protests that are based upon claims by any Interested Party that the Specifications are in any way ambiguous, incorrect, incomplete, or unduly restrictive, must be filed in accordance with Section 1.3 of these Procedures so that the Authority receives the protest no later than fourteen (14) business days prior to the closing date for receipt of initial bids or proposals.

### **2.2 Protests Regarding Alleged Improprieties in Solicitation**

Protests that are based upon claims by any Interested Party that there are improprieties regarding any type of solicitation, other than those governed by Section 2.1, above, must be filed in accordance with Section 1.3 of these Procedures so that the Authority receives the protest within five (5) business days following the date on which the Interested Party learned of the alleged improprieties, and no later than seven (7) business days prior to the bid or proposal opening date.

### 2.3 Post-award Protests

Protests that are based upon alleged improprieties in any type of solicitation which are not apparent before the time periods set forth in 2.1 and 2.2, above, must be filed in accordance with Section 1.3 of these Procedures so that the Authority receives the protest no later than two (2) calendar weeks after receipt of notification of the identity of the apparent low bidder or of the apparent successful proposer. Late protests may, for good cause shown, be considered by the Authority in its discretion.

### 2.4 Notice for Post-award Protests

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

## 3. Authority's Response to Protests

3.1 An award of a contract prior to the protest determination may be made when the Authority determines that:

- The items or services to be procured are urgently required; or
- Delivery or performance will be unduly delayed by failure to make the award promptly; or
- Failure to make prompt award will otherwise cause undue harm to the Authority; or
- The Authority determines that the process for making a determination will involve an investigation that may become lengthy.

3.2 The Executive Director, or his or her designee, will give written notice to the protestor when a decision has been made by the Authority to proceed with the award prior to the protest determination pursuant to Section 3.1, above.

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

Motion to Approve  
Zebrowski/ Soskin

Unan.

**RESOLUTION NO. 42 OF 2000  
AUTHORIZATION TO ADOPT PROCUREMENT POLICY  
FOR THE ROCKLAND COUNTY SOLID WASTE MANAGEMENT  
AUTHORITY**

**WHEREAS**, in 1992, the New York State Department of Environmental Conservation approved Rockland County's (the "County") Final Integrated Solid Waste Management Plan and Generic Environment Impact Statement (the "SWMP/GEIS"); and

**WHEREAS**, the SWMP/GEIS sets forth a strategy that relies upon multiple waste management methods and facilities, including the recycling of select solid waste materials; and

**WHEREAS**, the Rockland County Solid Waste Management Authority (the "Authority") was formed in accordance with section 2053(c) *et seq.* of the Public Authority Law of the State of New York (the "Act"), and resolution no. 301 of 1994 of the County Legislature to implement certain provisions of the SWMP/GEIS and to construct solid waste management facilities; and

**WHEREAS**, the Authority has previously adopted policies and procedures for the procurement of goods and services; and

**WHEREAS**, the Authority has determined it would be in its best interests to adopt revised policies and procedures for the procurement of goods and services ("Procurement Policy"); and

**WHEREAS**, the Procurement Policy is attached hereto as Exhibit A; and

**NOW THEREFORE BE IT RESOLVED**, that the Authority hereby authorizes and approves the Procurement Policy in substantially the form presented at this meeting, and such policy replaces any procurement policies previously approved by the Authority.

**NOW THEREFORE BE IT RESOLVED**, that the Executive Director has responsibility to administer the Authority's Procurement Policy and shall establish any written procedures for the operation of the Procurement Policy he deems necessary or proper in connection therewith.

**NOW, THEREFORE, BE IT RESOLVED**, that the Chairman, Treasurer or the Executive Director is authorized and directed to do and cause to be done any and all acts necessary or proper in connection with or for carrying out this resolution.

**RESOLUTION NO. 26 OF 1999  
AUTHORIZING AMENDMENT OF  
THE AUTHORITY'S PROCUREMENT POLICY**

**WHEREAS**, in 1992, the New York State Department of Environmental Conservation approved Rockland County's (the "County") Final Integrated Solid Waste Management Plan and Generic Environment Impact Statement (the "SWMP/GEIS"); and

**WHEREAS**, the SWMP/GEIS sets forth a strategy that relies upon multiple waste management methods and facilities, including recycling; and

**WHEREAS**, the Rockland County Solid Waste Management Authority (the "Authority") was formed in accordance with section 2053(c) *et seq.* of the Public Authority Law of the State of New York (the "Act"), and Resolution No. 301 of 1994 of the County Legislature to implement certain provisions of the SWMP/GEIS and to construct solid waste management facilities; and

**WHEREAS**, the Authority has adopted policies and procedures for the procurement of goods and services (the "Procurement Policy"); and

**WHEREAS**, the Authority has determined to amend the Procurement Policy to provide for the procurement of goods and services through a request for proposal process; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Authority's Procurement Policy is hereby modified and amended as follows:

*Request for Proposals as an Alternative Procurement Process*

Notwithstanding any other provision set forth herein and in accordance with the Act and other applicable law, the Authority may contract for goods and services, including design, construction and operation services, through a request for proposal procurement process. Any such request for proposal procurement process shall provide for the evaluation of proposals received in response to such request for proposals and the awarding of the contract to the selected proposer on factors other than price. Such factors may include technical merit, proposer qualifications and the proposed business arrangement. The Authority may make a contract award to any responsible proposer selected pursuant to this provision based on a determination that the selected proposal is most responsive to the request for proposals and may negotiate the terms of the contract with any proposer.