ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM
April 15, 2026

TO: Jennifer Hibit, Secretary to the Authority

CC: Jerome Schad, Commissioner
Peggy LaGree, Commissioner
Michelle Ianello, Commissioner

FROM: Lavonya Lester, Director of Administration

SUBJECT: 2026 Procurement Disclosure Policy – Updates

Commissioners, as a part of our annual review of Authority policies, we have determined that the Procurement Disclosure Policy is outdated and requires updates that are in line with the new procurement policy, the Authority's applicable policies and the current state finance laws §§139-j and 139-k. These changes have been reviewed by the Director of Administration and the Legal department.

Please review and upon approval, we would like this to be adopted at the upcoming annual board meeting.

LCL/lcl

ERIE COUNTY WATER AUTHORITY
AUTHORIZATION FORM
For Approval/Execution of Board Meeting Documents

Document Name: _____ **Project No.:** _____

Description: Procurement Disclosure Policy Amendment

Item Description:

Choose one: Policy Amendment

Other: _____

Action Requested:

Choose one Board Approval

Other: _____

Approvals Required:

APPROVED AS TO CONTENT:

☑	Chief Financial Officer		Date: 04/17/2026
☑	Chief Operating Officer		Date: 04/17/26
☐	Claims Rep. – Risk Manager		Date:
☐	Comptroller		Date:
☑	Director of Administration		Date: 04/17/26
☐	Director of Distribution		Date:
☐	Director of Human Resources		Date:
☐	Director of IT		Date:
☐	Sr. Director of Operations & Infra		Date:
☐	Director of Planning & Water Supply		Date:
☐	Director of Production		Date:
☐	Director of Water Quality		Date:
☐	Executive Engineer		Date:
☑	General Counsel (Legal)		Date: 04/17/26
☐	Other: _____		Date:

APPROVED FOR BOARD RESOLUTION:

☑ Secretary to the Authority _____ Date: 04/17/2026

Remarks: _____

Resolution Date: _____ Item No: _____

ERIE COUNTY WATER AUTHORITY

Procurement Disclosure Policy

Purpose

~~As a public benefit corporation, the Erie County Water Authority (the "Authority") must conduct its operations in a manner that best serves the interests of its customers and the general public. The Authority expects all members, officers, and employees to comply and cause the Authority to adhere to all the laws and regulations governing business transactions, namely State Finance Law 139j and 139k (the "Statutes") which reform the procurement process for all government entities, including the Authority.~~

~~This Procurement Disclosure Policy is intended to conform the Authority's procurement process to the requirements of the Statutes.~~

This Procurement Disclosure Policy is intended to provide guidance to the members, officers, and employees of the Erie County Water Authority (the "Authority") regarding their conduct during the procurement of goods and services for the Authority. This Procurement Disclosure policy shall be construed to promote compliance with State Finance Law §§ 139-j and 139-k. In the event of a conflict between this Procurement Disclosure Policy and the requirements of any applicable law, the law will prevail.

Article 1 DEFINITIONS

Article of Procurement: A commodity, service, technology, public work, construction, revenue contract, the purchase, sale or lease of real property, or an acquisition or granting of other interest in real property, that is the subject of an Authority ~~Governmental~~ Procurement.

Authority Procurement: (1) The public announcement, public notice, or public communication to any potential vendor of a determination of a need for a procurement, which shall include, but not be limited to, the public notification of the specifications, bid documents, request for proposals, or evaluation criteria for a procurement contract; (2) solicitation for a procurement contract; (3) evaluation of a procurement contract; (4) award, approval, denial, or disapproval of a procurement contract; or (5) approval or denial of an assignment, amendment (other than amendments that are authorized and payable under the terms of the procurement contract as it was finally awarded or approved, as applicable), renewal or extension of a procurement contract, or any other material change in the procurement contract resulting in a financial benefit to the offerer.

Contact: Any oral, written or electronic communication with a governmental entity under circumstances where a reasonable person would infer that the communication was intended to influence the ~~Governmental~~ Authority Procurement.

Designated Contact: The authorized contact person for an Authority Procurement.

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Executive Staff: The Secretary to the Authority, the Authority's Chief Financial Officer, the Authority's Chief Operating Officer, the Authority's Executive Engineer, and the Authority's General Counsel, collectively.

~~Governmental Entity Any department, board, bureau, commission, division, office, council, committee, or officer of the public authority and or public benefit corporation as the Authority is recognized. The Statute includes other such entities unrelated to our Authority.~~

Offerer: The individual or entity, or any employee, agent, consultant or person acting on behalf of such individual or entity~~.~~, that contacts ~~a Governmental Entity~~the Authority about an ~~Governmental~~ Authority Procurement during the Restricted Period of such an ~~Governmental~~ Authority Procurement.

Procurement ~~Contract~~ Contract: Any contract or other agreement for an Article of Procurement involving an estimated annualized expenditure in excess of ~~Ten~~ Twenty Thousand Dollars ($~~10~~20,000). ~~The Statute provides some exemptions not normally used by the Authority.~~

~~Procurement Officer The authorized contact person for a purchase.~~

Procurement Record Documentation of ~~contacts~~ Contacts during the Restricted Period attached to the Authority's Project File, and or within the Authority's Purchasing System.

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~~Proposal~~ Proposal: Any bid, quotation, offer, or response to the Authority's solicitation of submissions relating to a procurement.

Restricted ~~Period~~ Period: The period ~~of time~~ commencing from ~~the Authorization~~ authorization ~~by the Board of Commissioners~~ to advertise and/or authorization to solicit a Request for Proposal or bid and/or any other method of soliciting a response from offerers intending to result in a procurement contract, and ending with the Authority's Board awarding a contract ~~award by the Board~~.

Solicitation Materials: Any written materials, requests, invitations or advertisements, electronic or otherwise.

Article 2 ~~Ethics Officer~~DESIGNATED CONTACTS

~~On an annual basis the Members of the Authority shall appoint a Chairperson of the Ethics Board. The Ethics Board shall be the Members of the Board of Commissioners. For the purpose of this Policy that person shall be the "Ethics Officer."~~

For each and every Authority solicitation, subject to the Statutes, the Authority's Executive Staff and Director of Administration shall ensure that a Designated Contact, who shall be knowledgeable about the procurement, has been named prior to the advertisement or announcement of the Authority Procurement. Offerers shall make all Contacts during the Restricted Period to the Designated Contact.

~~**Article 3 Procurement Officers**~~

~~For each and every governmental solicitation, subject to this Statute, the Executive Director and/or Director of Administration shall recommend for Board approval a "Procurement Officer," who shall be the designated contact person and Procurement Officer for Offerers to make all contacts during the Restricted Period.~~

Article ~~4~~3: CONTACTS BY OFFERERS
~~**Contacts by Offerers**~~

All ~~contacts~~ Contacts between an Offerer and the Authority during the Restricted Period for each procurement contract (annualized in excess of $~~10~~20,000) shall be made through the applicable Designated Contact~~Procurement Officer~~, ~~except for the following Contacts~~unless one of the following exception applies~~:

(a) submission of written proposals in response to a Request for Proposal, invitation for bid, or any other method of soliciting a response from Offerers, collectively known as ~~intending to result in a procurement contract collectively,~~ solicitation materials, intending to result in a procurement contract;~~.~~

(b) The submission of written questions to a designated contact set forth in any solicitation materials;~~.~~

(c) Participation in a pre-bid conference set forth in solicitation material;~~.~~

(d) Complaints by an Offerer regarding the failure of the Designated Contact to respond in a timely manner to authorized Offerer Contacts shall be made to the Authority's General Counsel and such complaints shall become a part of the Procurement Record;made in writing addressed to any empowered legal authority, or addressed to the Authority as to the Executive Director about the procurement process.

(e) Offerers who have been tentatively awarded, and have been so notified, for the purpose of communicating with the Authority for the sole purpose of negotiating the

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contract.

(f) Contact between the designated Authority staff and an Offerer in which an Offerer requests the review of a procurement award.

~~(f)~~

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(g) Discussions with the Claims Representative/Risk Manager about insurance, and/or, the Director of ~~Equal Employment Opportunity~~ Administration, regarding certifications, in regard to meeting the terms of the contract before the award to ~~insure~~ ensure that the contract obligations can be met~~.~~;

(h) Communications between the minority and women-owned business enterprise statewide advocate and the Authority in furtherance of an investigation of the minority and women-owned business enterprise statewide advocate pursuant to section three hundred twelve-a of the executive law.

~~(g)~~

Article ~~54~~: OTHER PROHIBITED ACTIVITIES

~~**Other Prohibited Offerer Activities**~~

In addition to utilizing the ~~designated Procurement Officer~~Designated Contact for all ~~contacts~~ Contacts with the Authority, the following additional rules apply to the Offerer:

(a) Offerer should not attempt to influence the Authority's procurement in a manner that would result in a violation of any State or Authority ethics or conflict of interest statute or policy.

(b) Offerer is prohibited from contacting any member, officer, or employee of ~~a~~ the ~~governmental entity~~Authority other than the ~~Authority~~ Designated Contact, other than as set forth in Article 3 of this Policy ~~(see Law for exceptions)~~ during the Restricted Period of a pending procurement.

Article ~~65~~: PROCUREMENT RECORD

Written Contacts ~~should~~ shall be recorded and maintained in the Procurement Record. Any non-written Contacts should be recorded on form's designated by the Authority's Director of Administration and such form shall be recorded and maintained in the Procurement Record. The Authority will retain these records for a period of no less than six (6) years. ~~on the designated forms and placed into the Project file with File Retrieval and then (and/or) converted to the Purchasing System using the imaging system indexed to the designated Purchase Order or Master Purchase Order number after the contract is established. All contacts must be sent to the Director of Administration for proper assignment to the archive.~~

Contacts that a reasonable person would infer are not intended to influence the governmental procurement process, shall not be entered into the Procurement Record.

~~**Contacts, that a reasonable person would infer are not intended to influence the governmental procurement process, shall not be entered into the Procurement Record.**~~

~~The Authority will retain these records for a period no less than six (6) years.~~

Article ~~76~~: REQUIRED DISCLOSURE

~~**Required Disclosure**~~

The Authority shall incorporate into its Solicitation Materials a summary ~~or~~ of the~~is policy~~ Policy and prohibitions of the Statutes as well as any and all rules, regulations and the standard Authority Policies and Procedures for said RFP, quotations or bid.

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Article 87: REQUIREMENTS OF THE AUTHORITY PRIOR TO AWARDING PROCUREMENT CONTRACTS

~~**Requirements of the Authority Prior to Awarding Procurement Contracts**~~

The Authority will make the final determination and award of an Authority Procurement ~~based~~ in accordance with its existing procedures, in compliance with State Finance Law provisions, and free of any conduct prohibited under the Public Officers Law, as well as in compliance with the applicable provisions of the Auhtority's Code of Ethics and Conflict of Interest Policy.

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Article ~~9~~8: PROCEDURE FOR ALLEGED VIOLATION
~~**Procedure for Alleged Violation**~~

Any member, officer, or employee of the Authority, who becomes aware that an Offerer has violated this Policy or the Statutes shall:

(a) Immediately notify the ~~Ethics Officer~~the Authority's Independent Ethics Panel (IEP) and/or the Authority's General Counsel who shall immediately investigate.

(b) If after the investigation the ~~Ethics Officer~~Authority's IEP finds there is sufficient cause to believe the alleged violation has occurred, ~~he/she~~the IEP shall give the violating Offerer reasonable notice (in the form of a certified letter, return receipt requested) informing them of the allegations and providing them with the opportunity to be heard regarding the allegations.

(c) If following the opportunity to be heard, the ~~Ethics Officer~~IEP determines that the Offerer~~,~~ has knowingly and willfully violated this Policy, the aforementioned Statutes, or any other applicable procurement disclosure standards affecting Members, Officers, or employees of the Authority, the IEP shall notify the Authority's Ethics Committee of such violation and the Ethics Committee shall determine if the Offerer shall be subject to sanctions described in Article 9 of this Policy~~the Offerer shall be subject to sanctions described in Article 10 hereof~~.

~~(d) The Ethics Officer shall report to the ethics officer of another Governmental Entity the violation and be designated as the person to receive similar communications.~~

Article ~~10~~ 9: SANCTIONS

Upon finding by the ~~Ethics Officer~~Authority's Ethics Committee that an~~d~~ Offerer has knowingly and willfully violated this Policy, the Statutes or any other applicable procurement disclosure standards affecting Members, officers or employees of the Authority, the Offerer shall be subject to the following sanctions, as well as any other penalty permitted by law:

(a) The Offerer shall be deemed "non-responsible" and not be awarded the Procurement contract unless the Authority finds that special circumstances exist:

(i) The award to the offending Offerer is necessary to protect the public property or public health or safety; and

(ii) The offending Offerer is the only source capable of supplying the required ~~article~~ Article of ~~procurement~~ Procurement within the necessary timeframe.

(b) In addition the Ethics Officer shall notify the State Office of General Services of the finding of non-responsibility. (It should be noted that a second finding of non-responsibility in a four-year period will render the Offerer and all its subsidiaries ineligible to submit a proposal on, or be awarded, any Procurement Contract for four (4) years from the date of the second final determination of non-responsibility, unless a special circumstance outlined in Section A of the State Finance Law exists.)~~(it should be noted that a second finding of non-responsibility in a four-year period will render the Offerer and all its subsidiaries ineligible to submit a proposal on or be awarded any Procurement Contract for a four (4) years from the date of the second final determination of non-responsibility, unless a special circumstance outlined in Section A of the State Finance Law or Article 10 in this Policy.)~~

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Adopted on April 28, 2026

~~**Distribution of This Policy**~~

~~This Policy should be incorporated, as a revision, into the Erie County Water Authority Purchasing Guidelines Policy and Procedures following adoption by the Board of Commissioners by resolution.~~

~~**Procedure**~~

~~All Requests for Proposals, and formal bids (for the purpose of this policy in excess of an estimated Ten Thousand Dollars $10,000) must be authorized for solicitation or advertisement by the Board of Commissioners. Authorization commences the Restricted Period.~~

~~A Procurement Officer (contact person) should be assigned to such solicitations at the time of Authorization to Advertise or Solicit. This individual is the only contact person for the Authority during the Restricted Period.~~

~~A contact form is the official document to record the discussion and should be presented to the Director of Administration for archiving, and or determination for investigation by the Ethics Officer.~~

~~The Director of Administration shall keep a chronicle of all solicitations currently in the Restricted Period and notify all Members, officials and employees by way of a broadcast notice on the 5250 screen of the Purchasing System. An e-mail will be forwarded to the Board of Commissioners and will be posted in staff meeting minutes and included in the Board of Commissioners meeting packets. The list should be posted and updated on the ECWA website. The Director of Administration will be available for consultation on the current listing of solicitations in the Restricted Period.~~

~~**Employee Responsibility: It is the responsibility of all Erie County Water Authority employees to understand the Policy and State statutes on Procurement Lobbying and recognize that during the Restricted Period all contacts with vendors must be through the designated contact person or Procurement Officer exclusively.**~~

ERIE COUNTY WATER AUTHORITY

Procurement Disclosure Policy

Purpose

This Procurement Disclosure Policy is intended to provide guidance to the members, officers, and employees of the Erie County Water Authority (the "Authority") regarding their conduct during the procurement of goods and services for the Authority. This Procurement Disclosure policy shall be construed to promote compliance with State Finance Law §§ 139-j and 139-k. In the event of a conflict between this Procurement Disclosure Policy and the requirements of any applicable law, the law will prevail.

Article 1. DEFINITIONS

Article of Procurement: A commodity, service, technology, public work, construction, revenue contract, the purchase, sale or lease of real property, or an acquisition or granting of other interest in real property, that is the subject of an Authority procurement.

Authority Procurement: (1) The public announcement, public notice, or public communication to any potential vendor of a determination of a need for a procurement, which shall include, but not be limited to, the public notification of the specifications, bid documents, request for proposals, or evaluation criteria for a procurement contract; (2) solicitation for a procurement contract; (3) evaluation of a procurement contract; (4) award, approval, denial, or disapproval of a procurement contract; or (5) approval or denial of an assignment, amendment (other than amendments that are authorized and payable under the terms of the procurement contract as it was finally awarded or approved, as applicable), renewal or extension of a procurement contract, or any other material change in the procurement contract resulting in a financial benefit to the offerer.

Contact: Any oral, written, or electronic communication with a governmental entity under circumstances where a reasonable person would infer that the communication was intended to influence the Authority procurement.

Designated Contact: The authorized contact person for an Authority Procurement.

Executive Staff: The Secretary to the Authority, the Authority's Chief Financial Officer, the Authority's Chief Operating Officer, the Authority's Executive Engineer, and the Authority's General Counsel, collectively.

Offerer: The individual or entity, or any employee, agent, consultant, or person acting on behalf of such individual or entity, that contacts the Authority about an Authority Procurement during the Restricted Period of such an Authority Procurement.

Procurement Contract: Any contract or other agreement for an Article of Procurement involving an estimated annualized expenditure in excess of Twenty Thousand Dollars ($20,000).

Procurement Record: Documentation of Contacts during the Restricted Period attached to the Authority's project file or within the Authority's purchasing system.

Proposal: Any bid, quotation, offer, or response to the Authority's solicitation of submissions relating to a procurement.

Restricted Period: The period commencing from authorization to advertise and/or authorization to solicit a Request for Proposal or bid and/or any other method of soliciting a response from offerers intending to result in a procurement contract and ending with the Authority's Board awarding a contract.

Solicitation Materials: Any written materials, requests, invitations or advertisements, electronic or otherwise.

Article 2. DESIGNATED CONTACTS

For each and every Authority solicitation, subject to the Statutes, the Authority's Executive Staff and Director of Administration shall ensure that a Designated Contact, who shall be knowledgeable about the procurement, has been named prior to the advertisement or announcement of the Authority Procurement. Offerers shall make all Contacts during the Restricted Period to the Designated Contact.

Article 3. CONTACTS BY OFFERERS

All Contacts between an Offerer and the Authority during the Restricted Period for each procurement contract (annualized in excess of $20,000) shall be made through the applicable Designated Contact, except for the following Contacts:

(a) submission of written proposals in response to a Request for Proposal, invitation for bid, or any other method of soliciting a response from Offerers, collectively known as solicitation materials, intending to result in a procurement contract;
(b) The submission of written questions to a designated contact set forth in any solicitation materials;
(c) Participation in a pre-bid conference set forth in solicitation material;
(d) Complaints by an Offerer regarding the failure of the Designated Contact to respond in a timely manner to authorized Offerer Contacts shall be made to the Authority's General Counsel and such complaints shall become a part of the Procurement Record;
(e) Offerers who have been tentatively awarded, and have been so notified, for the purpose of communicating with the Authority for the sole purpose of negotiating the contract;

(f) Contact between the designated Authority staff and an Offerer in which an Offerer requests the review of a procurement award;
(g) Discussions with the Claims Representative/Risk Manager about insurance, and/or, the Director of Administration, regarding certifications, in regard to meeting the terms of the contract before the award to ensure that the contract obligations can be met;
(h) Communications between the minority and women-owned business enterprise statewide advocate and the Authority in furtherance of an investigation of the minority and women-owned business enterprise statewide advocate pursuant to section three hundred twelve-a of the executive law.

Article 4. OTHER PROHIBITED ACTIVITIES

In addition to utilizing the Designated Contact for all Contacts with the Authority, the following additional rules apply to the Offerer:

(a) Offerer should not attempt to influence the Authority's procurement in a manner that would result in a violation of any State or Authority ethics or conflict of interest statute or policy.
(b) Offerer is prohibited from contacting any member, officer, or employee of the Authority other than the Designated Contact, other than as set forth in Article 3 of this Policy, during the Restricted Period of a pending procurement.

Article 5. PROCUREMENT RECORD

Written Contacts shall be recorded and maintained in the Procurement Record. Any non-written Contacts should be recorded on form's designated by the Authority's Director of Administration and such form shall be recorded and maintained in the Procurement Record. The Authority will retain these records for a period of no less than six (6) years.

Contacts that a reasonable person would infer are not intended to influence the governmental procurement process, shall not be entered into the Procurement Record.

Article 6. REQUIRED DISCLOSURE

The Authority shall incorporate into its Solicitation Materials a summary of this Policy and prohibitions of the Statutes as well as any and all rules, regulations and the standard Authority Policies and Procedures for said RFP, quotations or bid.

Article 7. REQUIREMENTS OF THE AUTHORITY PRIOR TO AWARDING PROCUREMENT CONTRACTS

The Authority will make the final determination and award of an Authority Procurement in accordance with its existing procedures, in compliance with State Finance Law provisions, and free of any conduct prohibited under the Public Officers Law, as well as in compliance with the applicable provisions of the Authority's Code of Ethics and Conflicts of Interest Policy and Procedures.

Article 8. PROCEDURE FOR ALLEGED VIOLATION

Any member, officer, or employee of the Authority, who becomes aware that an Offerer has violated this Policy, or the Statutes shall:

(a) Immediately notify the Authority's Independent Ethics Panel (IEP) and/or the Authority's General Counsel who shall immediately investigate.
(b) If after the investigation the Authority's IEP finds there is sufficient cause to believe the alleged violation has occurred, the IEP shall give the violating Offerer reasonable notice (in the form of a certified letter, return receipt requested) informing them of the allegations and providing them with the opportunity to be heard regarding the allegations.
(c) If following the opportunity to be heard, the IEP determines that the Offerer has knowingly and willfully violated this Policy, the aforementioned Statutes, or any other applicable procurement disclosure standards affecting Members, Officers, or employees of the Authority, the IEP shall notify the Authority's Ethics Committee of such violation and the Ethics Committee shall determine if the Offerer shall be subject to sanctions described in Article 9 of this Policy.

Article 9 SANCTIONS

Upon finding by the Authority's Ethics Committee that an Offerer has knowingly and willfully violated this Policy, the Statutes or any other applicable procurement disclosure standards affecting Members, officers or employees of the Authority, the Offerer shall be subject to the following sanctions, as well as any other penalty permitted by law:

(a) The Offerer shall be deemed "non-responsible" and not be awarded the Procurement contract unless the Authority finds that one of the following special circumstances exist:

(i) The award to the offending Offerer is necessary to protect the public property or public health or safety; and
(ii) The offending Offerer is the only source capable of supplying the required Article of Procurement within the necessary timeframe.

(b) In addition, the Ethics Officer shall notify the State Office of General Services of the finding of non-responsibility. (It should be noted that a second finding of non-responsibility in a four-year period will render the Offerer and all its subsidiaries ineligible to submit a proposal on, or be awarded, any Procurement Contract for four (4) years from the date of the second final determination of non-responsibility, unless a special circumstance outlined in Section A of the State Finance Law exists.)

Adopted on April 28, 2026