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January 30, 2013

The Honorable Mark W. Eves, Speaker of the House of Representatives
2 State House Station
Augusta, ME 04333

The Honorable Justin L. Alford, President of the Maine Senate
3 State House Station
Augusta, ME 04333

Speaker Eves & President Alford:

P.L. 2011, c. 616: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi independent State Entities requires quasi-independent state entities to prepare and submit certain reports to the Legislature, the first of which is due by February 1, 2013.

I am writing to inform you that, in accordance with 5 M.R.S.A., Section 12023, the Washington County Development Authority (WCDA) presents the attached policies and procedures approved by the Board of Trustees on November 1, 2012 in accordance with this legislation.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Betsy Fitzgerald". The signature is written in a cursive style with a large, stylized initial "B".

Betsy Fitzgerald
Chair

APPROVED 11-01-12

Washington County Development Authority

Selection of Vendors Policy

Purpose

The Washington County Development Authority (WCDA or Authority) may choose to utilize vendors to provide programs or services to the Authority. The purpose of WCDA's Selection of Vendors Policy is to outline the policies and procedures to be used in the selection of vendors designed to ensure that the Authority secures the best value in its procurements in compliance with 5 M.R.S.A., chapter 379, subchapter 3, §12022-3.

Scope

This Selection of Vendors Policy applies to all procurements by WCDA exceeding \$10,000.

Definitions

Competitive Procurement Means the transmission of a written request for proposal, written request for qualifications or other invitation to compete on price or qualifications to at least three (3) responsible suppliers that is be replied to at a stated time.

Request for Proposal, Qualifications or Information Means a document outlining the scope of the programs or services to be provided, identification of required qualifications, stated requirements of the Authority, and the evaluation criteria to be used in the selection process. This document is also known as an RFP, RFQ or RFI.

Review Committee Means the committee established by the Authority that reviews proposals generated through the competitive procurement process.

Contract or Agreement Means the contract or agreement between the Authority and vendor describing the programs or services to be provided, the terms and conditions, the cost, and how payment will be made.

Procedures

All programs or services exceeding \$10,000 must be bid on through a competitive procurement process utilizing the procedures listed below.

1. The RFP, RFQ or RFI must contain at minimum, the scope of the project, evaluation criteria, scoring weights to be applied, the deadline for receipt of proposals, directions on where to send proposals, and the Authority's contact person with contact information.
2. The RFP, RFQ or RFI must be sent to at least three (3) responsible suppliers.
3. Proposals received after the deadline will be rejected, without exception.
4. The Review Committee will make the award decision to the highest rated proposal subject to approval by the Authority at a regular meeting.

5. The Review Committee members will document supporting information to reflect the scoring of the proposals. This information will be maintained on file for five (5) years and will be made available upon request.
6. A written contract or agreement must be executed between the Authority and vendor.

Conditions Under Which Competitive Procurement May Be Waived

All contracts or agreements issued by the Authority that are not bid on through a competitive procurement process must be justified by one of the following:

1. The services required are unique to a specific vendor. The uniqueness of a specific vendor must be described (e.g. identify unique characteristics and necessity of those characteristics, list unique equipment, facilities or proprietary data and explain necessity of those unique assets, etc.).
2. Time is of the essence and only one known source can meet the Authority's needs within the required timeframe. The timeframe must be explained (e.g. how timeframe was determined, why timeframe is significant, impact of a delay, etc.).
3. The total cost of the acquisition is less than \$10,000.

Records of Procurements Not Competitively Procured

For procurements not competitively procured exceeding \$10,000, written justification prepared by the Executive Director or Chairperson of the Authority and approved by the Authority will be maintained on file for five (5) years. Evidence of approval by the Authority will be the minutes from the Authority meeting where the approval was voted on.

Reports to the Legislature

The Authority will submit an annual report to the Legislature (Clerk of the House, the Secretary of the Senate and the Executive Director of the Legislative Council) in a manner determined by the Executive Director of the Legislative Council, with the first report due by February 1, 2014. The annual report will include a list of all procurements exceeding \$10,000 in the preceding year for which competitive procurement was waived under the policies adopted pursuant to §12022-3, including procurements exceeding \$10,000 that were made under contracts previously entered into for which competitive procurement was not required. The list must include the names of the vendors and cost associated with those procurements.

Adopted by the WCDA Trustees at their meeting held on November 1, 2012.

APPROVED 11-01-12

Washington County Development Authority

Contributions Policy

Purpose

The Washington County Development Authority (WCDA or Authority) may choose to make contributions to selected organizations or other entities offering programs and services related to the Authority's mission. The purpose of WCDA's Contributions Policy is to ensure that all contributions are directly aligned with the Authority's mission and limited to those contributions that are reasonable and necessary to accomplish the Authority's mission and to carry out the Authority's duties consistent with WCDA's authorizing law. In addition, this Policy is intended to comply with 5 MRSA, chapter 379, subchapter 3, §12022-4.

Scope

This Contributions Policy applies to all contributions made by WCDA.

Mission

WCDA's mission is to support community and economic development projects for the purpose of developing the economy of Washington County.

Definitions

Contributions means payments for membership dues and fees, gifts, donations and sponsorships, including those that result in public advertisement of WCDA.

Governing Body means the Trustees who are qualified and appointed under Title 5, §13083-A with the responsibility or authority to manage WCDA.

Managing Director means the Executive Director appointed by the WCDA Trustees, with the overall day-to-day responsibility for directing the operations of the Authority.

Authority Chairperson means the person elected from among the Trustees to serve as Chairperson of the Authority.

Procedures

The procedures governing the use of WCDA's resources for contributions includes: 1) reviewing all contributions against established criteria to ensure each contribution is directly related to WCDA's mission and activities; 2) budgeting and accounting for contributions separately from other expenditures in the Authority's records; 3) maintaining required documentation for each contribution; 4) securing the Governing Body's approval of the annual budget for contributions; and 5) fulfilling periodic and annual reporting requirements to the Governing Body and the Legislature. Listed below are the guidelines to be followed in the areas of: criteria for contributions; budgeting and

accounting; Governing Body approval; and reporting for governing the use of the Authority's resources for contributions.

Criteria for Contributions

1. The organization or other entity must be community or economic development related or engaged in programs or services of this nature;
2. The contribution provides WCDA with opportunities for increased public awareness of the Authority; and
3. The organization or other entity must be located within Washington County or have a significant presence in Washington County.

Budgeting and Accounting

All contributions will be budgeted and accounted for with an identifiable expense code as a separate line item in WCDA's financial records.

The required documentation for each contribution includes: name and contact information for the organization or other entity; purpose of the contribution; total amount contributed; payment date; and signature of approval by the Managing Director or Authority Chairperson.

Governing Body Approval

The Governing Body must approve the annual budget for contributions. The proposed annual budget for contributions will be prepared by the Managing Director or Authority Chairperson and will include the name of the vendor, purpose of the contribution, and total amount to be contributed. The contributions budget will be included as part of the regular annual budgeting process for WCDA.

Reporting

The Governing Body will receive reports on contributions made by WCDA during the Authority's regularly scheduled meetings.

The Governing Body will submit an annual report to the Legislature (Clerk of the House, the Secretary of the Senate, and the Executive Director of the Legislative Council) in a manner determined by the Executive Director of the Legislative Council, with the first report due by February 1, 2014. The annual report must include a list of all organizations or entities to which WCDA made contributions greater than \$1,000 in the preceding year and the total amount contributed to each.

Adopted by the WCDA Trustees at their meeting held on November 1, 2012.

APPROVED 11-01-12

Washington County Development Authority

Travel, Meals and Entertainment Policy

Purpose

The Washington County Development Authority (WCDA or Authority) employees and non-employees may occasionally be required to travel or entertain in the course of conducting the Authority's business. The purpose of WCDA's Travel, Meals and Entertainment Policy is to provide guidelines governing the use of the Authority's resources to pay costs of travel, meals and entertainment when these expenses are incurred while representing WCDA. All travel, meals and entertainment costs are limited to those that are reasonable and necessary to accomplish the Authority's mission and to carry out the Authority's duties consistent with WCDA's authorizing law. In addition, this Policy is intended to comply with 5 MRSA, chapter 379, subchapter 3, §12022-5.

Scope

This Travel, Meals and Entertainment Policy applies to all WCDA employees and non-employees traveling and entertaining on behalf of WCDA and seeking reimbursement for related expenses from the Authority.

Mission

WCDA's mission is to support community and economic development projects for the purpose of developing the economy of Washington County.

Definitions

In Travel Status means a traveler who has been traveling for two hours beyond the traveler's regularly scheduled working hours for any one day. The two hours may consist of hours occurring before, after or a combination of both for the traveler's regularly scheduled working hours for the day.

Governing Body means the Trustees who are qualified and appointed under Title 5, §13083-A with the responsibility or authority to manage WCDA.

Managing Director means the Executive Director appointed by the WCDA Trustees, with the overall day-to-day responsibility for directing the operations of the Authority.

Authority Chairperson means the person elected from among the Trustees to serve as Chairperson of the Authority.

General Guidelines

Travel, meals and entertainment costs will be limited to those that are reasonable and necessary in relation to WCDA's mission and activities. Travel out-of-state will be minimal and limited to occasions that are absolutely necessary.

WCDA's reimbursement rates for travel, including transportation (e.g. private vehicle mileage, airlines, etc.), meals and lodging will be the same as those rates for State of Maine employees as outlined in the State Administrative & Accounting Manual (SAAM), Department of Administrative & Financial Services, Office of the State Controller. The reimbursement for meals and lodging shall not exceed the maximum allowable per diem rate for the travel location unless an exception has been made by the Governing Body. The reimbursement for use of a privately owned vehicle will be at the mileage reimbursement rate in effect at the time of travel. In addition, the Authority will follow the SAAM for the types of miscellaneous travel expenses that are reimbursable (e.g. taxi, parking fees, conference registration fees, etc.) as well as those that are non-reimbursable (e.g. alcoholic beverage expenses, personal entertainment, personal trip insurance, etc.).

Meals while traveling will only be reimbursed for travelers considered to be in travel status. Meals for entertainment will only be reimbursed when one or more of the attendees is not a WCDA employee or non-employee and there is a business purpose. The frequency of business meals will be limited.

Travel out-of-state by the Managing Director or a Trustee will be limited and must receive prior written approval of the Governing Body.

The use of a personal credit card is permitted for occasional or infrequent use which does not result in any significant personal gain in the form of cash back, points or other rewards.

Procedures

The procedures governing the use of WCDA's resources to pay costs of travel, meals and entertainment includes: 1) a description of the persons for whom WCDA will pay travel, meals and entertainment costs and the conditions under which these costs will be paid and whether directly or through reimbursement; 2) the requirements for supporting documentation and approval of travel, meals and entertainment costs paid directly or through reimbursement; 3) budgeting and accounting for travel, meals and entertainment costs separately from other expenditures in the Authority's records; 4) securing the Governing Body's approval of the annual budget for travel, meals and entertainment costs; and 5) fulfilling periodic reporting requirements to the Governing Body on actual travel, meals and entertainment costs paid directly or through reimbursement. Listed below are the guidelines to be followed in the areas of: eligible persons for reimbursement, conditions for reimbursement and form of payment or reimbursement; documentation and approval; budgeting and accounting; Governing Body approval; and reporting for governing the use of the Authority's resources to pay costs of travel, meals and entertainment.

Eligible Persons for Reimbursement, Conditions for Reimbursement and Form of Payment or Reimbursement

WCDA will pay travel, meals and entertainment costs for all of the Authority's employees and non-employees when these expenses are incurred while representing the Authority at a conference, meeting or other event that is reasonable and necessary for

accomplishing the Authority's mission and activities. An employee is the Managing Director. A non-employee is any member of the Governing Body.

The travel, meals and entertainment costs that will be paid are those approved expenses incurred in accordance with WCDA's annual budget. These expenses must be submitted on a WCDA Expense Report form along with the required supporting documentation. Reimbursements will not be made for expenditures submitted more than 60 days after they were incurred.

Travel, meals and entertainment costs will be paid either directly or through reimbursement. When it is efficient and timely to do so, an advance purchase requisition will be utilized to pay for expenses such as conference fees when accompanied with a registration form or other documentation. Expense reimbursements must be documented per the guidelines listed below.

Documentation and Approval

The following outlines the required supporting documentation for common travel, meals and entertainment expenses.

Category of Expense

Required Documentation

Meals

Meals while traveling-a detailed receipt with name of payee, date, detail of items purchased and cost (including any customary tip or gratuity).

Meals while entertaining-a detailed receipt with name of payee, date, detail of items purchased, cost (including any customary tip or gratuity), list of attendees, their current or potential relationship to WCDA, and business purpose.

Lodging

Itemized hotel bill along with credit card receipt. An express checkout receipt can be submitted as long as the details of the charges are shown.

Conference/Registration Fees

Registration form or agenda, receipt showing amount and proof of payment.

Mileage	Date, beginning and ending destinations, miles driven, amount and business purpose.
Airfare	Airline ticket receipt showing itinerary, amount of airfare and proof of payment.
Auto Rental	Car rental agreement and proof of payment.
Taxi, Parking, Tolls or Other Transportation	Receipt or invoice if expense is in excess of \$5
Other (e.g. faxes, copies bellman, etc.)	An explanation of the expense, date, receipt or invoice and proof of payment. Items such as tips to hotel service personnel do not require a receipt but must be reasonable and customary.

The Managing Director or Authority Chairperson will not be required to secure prior approval for in-state traveling or entertaining so long as the professional conference, meeting or other event is reasonable and necessary for accomplishing the Authority's mission and activities and the expenses were included in the Authority's annual budget. Other Trustees will be required to secure prior approval of the Authority Chairperson for in-state traveling and entertaining.

All travel, meals and entertainment costs paid directly or through reimbursement will be approved by the Authority Chairperson and reviewed by the Authority's Treasurer in accordance with WCDA's annual budget for these expenses and consistent with this Policy.

Budgeting and Accounting

All travel, meals and entertainment costs will be budgeted and accounted for with an identifiable expense code as a separate line item in WCDA's financial records.

The required supporting documentation for travel, meals and entertainment costs is listed above.

Governing Body Approval

The Governing Body must approve the annual budget for travel, meals and entertainment. The proposed annual budget for travel, meals and entertainment will be prepared by the Managing Director or Treasurer. The budget for travel, meals and entertainment expenses will be included as part of the regular annual budgeting process for WCDA.

Reporting

The Governing Body will receive reports on actual travel, meals and entertainment costs paid directly or reimbursed by WCDA during the Authority's regularly scheduled meetings.

Adopted by the WCDA Trustees at their meeting held on November 1, 2012.

APPROVED 11-01-12

Washington County Development Authority

Lobbyists Policy

Purpose

The Washington County Development Authority (WCDA or Authority) may find it necessary to occasionally engage in lobbying activities. The purpose of WCDA's Lobbyists Policy is to provide guidance governing the use of the Authority's resources to pay for the cost of lobbyists. All lobbying activities are those that are reasonable and necessary to accomplish the Authority's mission and to carry out the Authority's duties consistent with WCDA's authorizing law. In addition, this Policy is intended to comply with 3 MRSA, chapter 15 and 5 MRSA, chapter 379, subchapter 3, §12022-6.

Definitions

Legislative Designee means any employee of a state department or agency who is directed by the head of the department or agency to lobby or monitor legislation on behalf of the department or agency. Legislative Designee includes an employee who is reasonably expected to lobby or monitor legislation on behalf of the department or agency for more than 20 hours during the session. For the purpose of this definition, monitoring legislation means attending legislative hearings and sessions regarding a legislative action. (3 MRSA, chapter 15, §312-A., subsection 8-A.)

Lobbying means to communicate directly with any official in the legislative branch or any official in the executive branch or with a constitutional officer for the purpose of influencing any legislative action or with the Governor or the Governor's cabinet and staff for the purpose of influencing the approval or veto of a legislative action when reimbursement for expenditures or compensation is made for those activities. Lobbying includes the time spent to prepare and submit to the Governor, an official in the legislative branch, an official in the executive branch, a constitutional officer or a legislative committee oral and written proposals for, or testimony or analyses concerning, a legislative action. Lobbying does not include time spent by any person providing information to or participating in a subcommittee, stakeholder group, task force or other work group regarding a legislative action by the appointment or at the request of the Governor, a Legislator or legislative committee, a constitutional officer, a state agency commissioner or the chair of a state board or commission. (3 MRSA, chapter 15, §312-A., subsection 9.)

Lobbyist means any person who is specifically employed by another person for the purpose of and who engages in lobbying in excess of 8 hours in any calendar month, or any individual who, as a regular employee of another person, expends an amount of time in excess of 8 hours in any calendar month in lobbying. Lobbyist does not include a lobbyist associate. Lobbyist does not include an individual who receives no compensation for lobbying other than reimbursement for lobbying-related travel within

the State and reimbursement for other out-of-pocket expenditures made by the individual for printing, postage and food and lodging connected with lobbying activities paid for by the individual. For the purpose of this definition, reimbursement for other out-of-pocket expenditures does not include reimbursement for the individual's time spent lobbying that would have been otherwise compensated by an employer or in the course of the individual's employment. (3 MRSA, chapter 15, §312-A., subsection 10.)

State Employee or State Agency Employee means employees of the executive branch, the judicial branch, the Department of the Attorney General, the Department of Secretary of State, the Department of the Treasurer and any employee who directly or indirectly represents an entity listed in Title 5, chapter 379. (3 MRSA, chapter 15, §312-A., subsection 17.)

Governing Body means the Trustees who are qualified and appointed under Title 5, §13083-A with the responsibility or authority to manage WCDA.

Managing Director means the Executive Director appointed by the WCDA Trustees, with the overall day-to-day responsibility for directing the operations of the Authority.

Procedures

As a quasi-state entity, WCDA is required to comply with the lobbyist disclosure law (3 MRSA, chapter 15). The lobbyist disclosure law in Maine requires state employees and quasi-state agency employees to register with the Commission on Governmental Ethics and Election Practices fifteen (15) days prior to the convening of the regular legislative session if: 1) the employee is designated by the head of a state department or agency to serve as the primary legislative designee for that state department or agency; or 2) the employee is reasonably expected to lobby or monitor legislation on behalf of the state department or agency for more than 20 hours during the legislative session.

WCDA's Governing Body designates its Managing Director as the Authority's legislative designee to represent the Authority's interests in state government. The use of WCDA's resources to compensate an independent lobbyist for lobbying services is not permitted. WCDA will not retain any person, other than the Authority's Managing Director, who is required to register as a lobbyist as defined in 3 MRSA, chapter 15, §312-A., subsection 10.

The Managing Director will complete the annual registration requirements for legislative designees with the Commission on Governmental Ethics and Election Practices. State employees or quasi-state agency employees who register under the provisions of the lobbyist disclosure law are exempt from all other requirements of the lobbyist disclosure law.

Adopted by the WCDA Trustees at their meeting held on November 1, 2012.