



UTAH LAKE AUTHORITY

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POLICIES & PROCEDURES

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FINANCIAL INSTRUCTIONS

BILL PAYMENTS

This policy outlines the process for bill payments for routine, day-to-day operations and special projects. Guidelines for the Utah Lake Authority's (ULA) purchases are detailed in the Procurement Procedures below. Expenses are to be processed in a timely manner according to the procedure outlined below:

1. When bills are received, the Clerk will file them to be processed by the executive director. No petty cash is used by the ULA.
2. There are two types of approval processes: invoices and purchase approvals, described in the procurement section below.



Utah Lake Authority

PURCHASE APPROVAL

Bank Charge By _____

Date _____

Company Name _____

Description _____

Total \$ _____ Account Number _____

Authorization

Eric Ellis, Executive Director

ULA Chair / Vice Chair

____ Verified on Checking Statement

____ Entered in Ledger

DEPOSIT PROCEDURES

All monies received should be deposited according to the procedure outlined below:

1. The Executive Director will endorse all checks and record them in the ledger.
2. The Clerk will complete a deposit slip and make copies of the check and deposit slip.
3. The deposit is taken to the bank the same day checks are received or, if received after 2:00pm, deposited the next business day.
4. The Executive Director and the Clerk initial the bank deposit slip to verify that the deposit matched the ledger deposit slip.
5. Copies of received checks and deposit receipts are maintained for a period of at least 7 years.

FINANCIAL ACCOUNTS

Purpose

This policy outlines the process for use, maintenance, and reconciliation of the ULA financial accounts and will guide employees of the ULA to perform financial operations within their responsibilities.

Policy

Checking Account

1. The Executive Director, Board Chair, Vice Chair, and Clerk will be signatories on the ULA checking account.
2. The checking account statements and general ledger will be balanced monthly by the ULA Clerk.
3. The Clerk will write the checks for invoices and bills and will submit them to the appropriate signers for review and approval.
4. The checking account and the checking account statement will be verified on a monthly basis by the Executive Director and the Clerk.
5. Any discrepancies will be corrected and initialed by both the Executive Director and the Clerk.
6. After reconciliation, the checking account statements will be signed and dated by the Clerk and maintained for a period of 7 years.

Business Savings Account

1. Transfers are made from the business savings account directly to the checking account on an as-needed basis.
2. The business savings account statement will be balanced on a monthly basis by the Executive Director.

PTIF Money Market Account

1. The Public Treasurer's Investment Fund (PTIF) money market account is held with the Utah Office of the State Treasurer.
2. The Executive Director will receive and reconcile the monthly statement for the money market account and will compare the recorded deposits and transfers and maintain the ledger balance.
3. The Executive Director will record deposits into and transfers out of the PTIF account on the monthly financial report that is presented to the ULA Board at a subsequent Board meeting.

Transfer Procedures

Transfers are usually made from either of the two savings accounts (business savings or PTIF account) to the checking account or, occasionally, between savings accounts. Transfers are performed by the Executive Director and verified by the Clerk during the monthly statement reconciliation process.

Bank Statement Reconciliation Procedures

Monthly statements are downloaded from the financial institution's website at the beginning of each month. Each month the statements are reconciled by the Executive Director and verified by the Clerk. Any discrepancies are resolved with the bank. Account statements are initialed and maintained in a file.

MEETINGS

GOVERNING BOARD

This policy outlines the scheduling and maintaining of records for the Governing Board meetings.

1. The Governing Board meeting is generally held every other month, starting in January, on the third Wednesday, from 9:00 to 11:00am at the Provo Airport (1331 Sky Wy, Provo, UT 84601) on the second floor in the multipurpose room. There are exceptions if the Board votes and decides to cancel for holidays or summer.
2. The Board meeting follows the parameters set forth in the Utah Open and Public Meetings Act (OPMA).
3. A draft agenda and all associated public handouts are posted on the Public Notice Website (PNW), on the Utah Lake Authority (ULA) website, and as otherwise required by OPMA.
4. Board meetings and other public meetings are recorded with two digital recorders.
5. The recordings are transcribed by a third-party transcription service provider.
6. Minutes are reviewed by Board members and are approved at the next available meeting.
7. Agendas and approved minutes are posted on the PNW and to the Public Meetings page on the ULA website.

Electronic Board Meetings

A Board meeting may be convened and conducted by means of telecommunications or computer conference by satisfying the requirements of Utah Code Ann. § 52-4-207.

Purpose

The primary purpose for holding electronic meetings is to enable members of the Board to participate in the meeting electronically.

Nevertheless, provision may be made for a member of the public to monitor an open meeting of the Board through electronic means provided that the member of the public so requests in writing at least 3 days prior to the meeting and further provided that the ULA will not be required to acquire any equipment, facilities, or expertise that the ULA does not already possess in order to accommodate the request.

Notwithstanding anything to the contrary in this policy, with the exception of a public hearing, the general public and other interested persons need not be provided an opportunity to participate in, as opposed to attend and monitor, an electronic meeting.

Board members who have designated an alternate may vote by proxy.

Anchor Location

One or more anchor locations must be established for all electronic meetings. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. At least one anchor location for an electronic meeting must be in the building where the Board would normally meet if not holding an electronic meeting, or within the ULA offices.

A quorum of the Board need not be present at a single anchor location for an electronic meeting to be held. As few as one Board member may be present at the anchor location, as long as all other requirements of this policy and of Utah Code Ann. § 52-4-207 are satisfied for a meeting to be held as an electronic meeting, provided that the Board member who chairs the meeting is physically present at the anchor location.

Space and facilities must be provided at the anchor location(s) so that all interested persons may attend and monitor the open portions of the meeting. In addition, if the meeting is a public hearing, space and facilities must be provided at the anchor location(s) so that interested persons and the public may attend, monitor, and participate in the hearing.

Notice

The ULA must provide no less than 24 hours' advance public notice, including the agenda, date, time, location, and a description of how the Board members will be connected to the electronic meeting.

Notice will be posted at the principal office of the ULA (or at the building where the meeting is to be held if no principal office exists) and provided in written or electronic form to at least one newspaper of general circulation in the ULA operating area and at least one local media correspondent. Notice should also be posted on the Utah Public Notice Website (PNW). In addition, the notice must be posted at the anchor location (which may be the principal office of the ULA) and must be provided to all Board members at least 24 hours before the meeting.

These notice requirements are minimum requirements and are not to be construed as precluding such additional postings and notifications as may be directed by the Board.

Conduct of Meeting

No action may be taken and no business may be conducted at a meeting of the Board unless a quorum, consisting of a simple majority of the members of the Board, is present. A Board member who is not physically present may nevertheless participate in the meeting through electronic means and be counted toward the required quorum in accordance with Utah Code Ann. § 52-4-207.

Any Board member participating via electronic means may make, second, and vote on all motions and participate in the discussion as though present, except that the Board member who chairs the meeting must be present at the anchor location.

Except for a unanimous vote, the ULA Board, when conducting an electronic meeting, shall take all votes by roll call.

The ULA Board present at the anchor location will calculate quorum compliance by verifying electronic board member presence at the beginning of the meeting by voice and/or video confirmation.

FILING TAXES

BUDGET PREPARATION

*(Adapted from the "Manual for Special Districts" provided by the Utah State Auditor's Office)
Information on budgeting can be found in Utah Code 17B-1-605 to 611; 613 to 615; 630; 701 and 702.*

This policy establishes a budgeting process so that the public can have input on the Utah Lake Authority's (ULA) expenditures and plans. Upon formal adoption, the budget constitutes spending authority for the ULA and a formal plan for spending.

1. Budgets are required by law.
2. At adoption, the ULA legally binds itself to spend this much and no more. Any expenditure in excess of the budget is illegal, unless a budget amendment is approved by the Board through the formal budget amendment process, even if the ULA has money available to spend.
3. The budget process must be completed before the budget year begins. The ULA operates on a fiscal year beginning July 1st of each year. The process can start earlier, but the final budget must be approved before the first day of the fiscal year.
4. The ULA implements the following budget calendar:
 - a. February—The Executive Director prepares a tentative budget for the Board to review at its meeting in March.
 - b. March—At its meeting in March, the Board shall:
 - i. Approve a tentative budget
 - ii. Set a budget hearing date (May or June)
 - c. May—
 - i. During May, but at least seven days before the hearing date, public notice must be given of the hearing. Public notice means publication in at least one issue of a newspaper of general circulation. Notice should also be published on the ULA website and on the state PNW (<https://www.utah.gov/pmn/>).
 - ii. The tentative budget must be available to the public for 7 days before the final adoption of the budget.
 - iii. The Governing Board will hold the hearing as listed in the public notices.
 - iv. Prior to the end of the month, the Board must formally adopt a final budget. A copy of the ULA's final budget must be sent to the State Auditor's Office using their electronic forms ([available online](#)) within 30 days of approval. The original budget should be kept on file for ULA use and public inspection.

Budget Amendments

Original budgets may be amended during the budget year to increase the original budget; however, budgets may not be changed after the budget year ends. Generally, budget amendments follow the same procedures as the adoption of the original budget (public notice and hearing) with some exceptions:

- The Governing Board may move budgeted expenditures from one budgeted line item to another without a public hearing. Adjusting line items is allowed if they are within the same fund and if the adjustment does not increase total expenditures or involve reducing the amount budgeted for debt retirement or reduction of a deficit (see *Utah Code* 17B-1-620).
- *Utah Code* 17B-1-620(l) requires that a board of trustees establish policies for amending budgeted line items. For example, if a district has a general fund and within the general fund are two departments (water and sewer), a policy may authorize a budget officer, with the approval of a general manager, to move money from one budgeted line to another budgeted line within the same department.
- When adjusting budgeted line items between departments within a fund, the policy may require that the transfer be approved by the Governing Board. When the policy requires the approval of a governing board, the Board should place the adjustment on the agenda of an open meeting and approve the adjustment in the meeting.
- The budget of an enterprise fund may be amended by a resolution of the Board of Trustees at any regular or special meeting called for that purpose without a public hearing. This includes increasing total expenditures of the fund (See *Utah Code* 17B-1-630). The ULA does not have an enterprise fund.

PROCUREMENT

This policy applies to the procurement of supplies and services involving the expenditure of public funds by the Utah Lake Authority (ULA) and to any public purchase irrespective of the source of the funds. If the procurement involves the expenditure of federal assistance or grant funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulation and this policy. Nothing in this policy shall prevent the ULA from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law. All procurement types require a separation of duties so that the individual requesting and/or approving the purchase is not the same individual who is authorizing to sign for the good or service.

These methods are outlined in the Purchasing Matrix, attached as Exhibit A.

Definitions

Term	Definition
Procurement	The buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction
Request for Proposals (RFP)	All documents utilized for soliciting proposals, including those which are attached or incorporated by reference
Services	The furnishing of labor, time, or effort by any person, including professional services. These services do not include labor, effort, or work provided under an employment agreement.
Sole-Source Contract	A supply or service of a unique or specialized nature that is only available from one known supplier
Supplies	All property, including, but not limited to, goods, equipment, materials, printing, insurance, and leases of real property, excluding land or permanent interest in land

Roles and Responsibilities

Role	Responsibility

Assistant Attorney General / Compliance Officer	<p>Provide written approval for sole-source procurements that includes rationale for sole-source</p> <p>Ensure compliance with state surplus and asset management requirements</p> <p>Establish and maintain appropriate RFP forms and templates</p>
Executive Director	<p>Maintain authority to sign all agreements and documents necessary to make purchases</p> <p>Work with State of Utah Surplus Property Program to sell, trade, or dispose of surplus property belonging to the ULA</p> <p>Provide written approval for sole-source procurements that includes rationale for sole source</p> <p>Be a signatory for all contracts</p> <p>Approve contract extensions and changes if funding is within the approved annual budget amounts</p>
Clerk	<p>Oversee Evaluation Committee</p> <p>Collect Evaluation Committee reviews</p> <p>Author bid specifications, issue solicitations, and inspect (minimum mandatories), review, and accept proposals</p> <p>Work with State Purchasing to post solicitations</p> <p>Review solicitation pricing and enter pricing into final results</p>
ULA Governing Board	<p>Approve large (> \$50,000) sole-source contracts</p> <p>Approve major capital projects</p>

COMPETITIVE BIDDING

ULA purchases are typically awarded by use of competitive bidding, except as otherwise provided by this policy (e.g., see the Purchasing Matrix attached as Exhibit A). The ULA may utilize State Purchasing, including the submission portal, when soliciting bids. Each solicitation will have its own evaluation criteria.

Invitation for Bids

Each competitive bid will commence when ULA staff issue an Invitation for Bids. The bid will include specifications, general contractual terms, and conditions applicable to the procurement as well as any other information deemed appropriate.

Public Notice

A procurement unit that issues a solicitation shall post notice of the solicitation:

- at least seven days before the day of the deadline for submission of a solicitation response
- on the main website for the procurement unit OR on a state website that is owned, managed by, or provided under contract with the division for posting a public procurement notice

A procurement unit may reduce the seven-day period described above if the procurement unit's procurement official signs a written statement that:

- states that a shorter time is needed
- determines that competition from multiple sources may be obtained within the shorter period of time

It is the responsibility of a person seeking information provided by a notice published under this section to seek out, find, and respond to the notice. As a courtesy and in order to promote competition, a procurement unit may provide, but is not required to provide, individual notice.

Evaluation

The solicitation shall state the relative importance of price and other evaluation factors. No criteria may be used in a solicitation response evaluation that is not set forth in the solicitation. The Evaluation Committee Lead will be responsible for overseeing the evaluation process with the designated Evaluation Committee members. An Evaluation Committee must have at least three members.

Award

The purchase shall be awarded with reasonable promptness by written notice to the bidder whose bid meets the requirements and criteria set forth in the Invitation for Bids.

Cancellation of Invitation of Bids

An Invitation for Bids may be canceled by the ULA Clerk in whole or in part when it is in the best interest of the ULA.

COMPETITIVE PROPOSALS

The Executive Director may determine that the use of competitive bidding, specifically for concession agreements, is either not practicable or not advantageous to the ULA; in that case a purchase may be made by use of the competitive proposals' method. The ULA may utilize State Purchasing, including the submission portal when soliciting proposals. Each solicitation will have its own evaluation criteria.

Invitation for Bids

Competitive proposals shall be solicited through a Request for Proposals (RFP).

Public Notice

Adequate public notice of the solicitation shall be given in the same manner as required for competitive bids.

Evaluation

The solicitation shall state the relative importance of evaluation factors. No criteria may be used in a solicitation response evaluation that is not set forth in the solicitation. The Evaluation Committee Lead will be responsible for overseeing the evaluation process with the designated Evaluation Committee members. An Evaluation Committee must have at least three members.

The ULA's Evaluation Committee Lead may have discussions with responsible bidders, and revisions to the solicitation may be allowed.

Award

Awards shall be made to the responsible bidder whose proposal is deemed by the Evaluation Committee to bring the most value and be the most advantageous to the ULA, which may include price as an evaluation component.

Cancellation of an RFP

Cancellation of an RFP may be made by the Solicitation Officer in whole or in part when it is determined to be in the best interest of the ULA.

UNSOLICITED PROPOSALS

The ULA will follow 63G-6a-712 for unsolicited proposals.

CLASSIFICATION OF PURCHASES

Minimal Purchases

Minimal purchases are purchases having an aggregate total value with a single vendor of no more than \$5,000 annually within the fiscal year. So long as funds used for such purchases are part of the annual approved budget, ULA staff may make a minimal purchase request without following any formal process set forth in this policy. Notwithstanding this exception, the purchaser shall make a reasonable effort to identify and utilize the lowest responsible provider of the purchase.

Small Purchases

Small purchases are purchases having an aggregate total value with a single vendor of no more than \$50,000 annually within the fiscal year. As long as funds used for such purchases are part of the annual approved budget, ULA staff may make a small purchase request so long as two or more competitive quotes are received.

Large Purchases

Large purchases have an aggregate total value with a single vendor of more than \$50,000 annually within the fiscal year. As long as the funds are included in the annual budget that has been approved by the Board, the ULA may approve large purchases with the approval of the Executive Director and the Board Chair or Vice Chair.

State Cooperative Contract Purchasing

If available to the ULA because competitive procurement has already been completed, any item that is a State Cooperative Contract item may be purchased without following the Invitation for Bids or RFP requirements set forth in this policy.

Government Agency Purchasing

When purchasing supplies, material, or equipment from a vendor who has been awarded a bid from a local, state, or federal governmental entity within the preceding 90 days at the quoted price available for such items, the ULA need not follow any other bidding requirements.

Contracting for Designated Professional Services

The ULA may procure professional services, including, but not limited to, financial and legal professionals, architects, engineers, accountants, physicians, and construction managers as well as other similar professional services. These services may be procured via competitive bid based on demonstrated competence and qualification at a fair and reasonable price.

Concession Agreement

The ULA may engage with vendors for a concession agreement that gives the vendor the right to operate a specific business within ULA-owned or -leased ground or property.

Contracting with Other Governmental Agencies

Where it is demonstrated that such services provide optimal value, the ULA may contract with a government agency through the use of an interlocal agreement without utilizing the formal procurement procedures set forth in this policy.

Sole-Source Procurement

Sole-source procurement may arise when the ULA requires a supply or service of a unique or specialized nature and, to the best of the requester's knowledge and belief based on thorough research, only one known supplier is reasonably available to meet the need; or when specific parts, accessories, equipment, material, services, proprietary items, or other items are necessary to meet the ULA's needs and there are no comparable items reasonably available; or items are procured for resale. Sole-source procurement is not to be used to avoid competition.

The ULA may utilize sole-source procurement in lieu of the formal procurement requirements set forth in this policy when the Executive Director determines that its use is appropriate. This approval must be in writing and stored with the ULA Clerk. The Chief Compliance Officer shall be consulted as part of the determination of using a sole-source procurement.

Very Specialized or Confidential Services

The need to procure very specialized or confidential services may arise when the ULA requires products or services of a specific or highly specialized, confidential, or secret nature, such as security systems or services to investigate allegations of harassment.

The ULA may utilize very specialized or confidential services in lieu of the formal procurement requirements set forth in this policy when the Executive Director determines that its use is appropriate.

Emergencies, Public Threats, and Unforeseen Conditions

Generally, and notwithstanding any other provision of this policy, an executive team member may make emergency procurement of supplies or services where there exists a threat to public health, welfare, or safety or when an unforeseen condition exists that requires procurement to preserve life or safety.

BOARD APPROVAL

If the Board specifically approves within the annual budget specific items for statutory requirements, related projects, and professional services, the ULA will be able to proceed with obtaining goods and services. However, if a specific good or service is not approved with an annual or amended budget, then Board approval will be needed. In addition, if the Board approves a purchase, lease, sublease, or sale of real property, the payment of real estate brokerage fees and leasing or other commissions in connection therewith is assumed and authorized without specific authorization in the Board approval.

CONFLICT OF INTEREST

Any ULA staff member involved in the RFP process must abide by the ULA Code of Conduct and disclose any conflicts of interest, including business opportunities and close relation or involvement with third parties.

A conflict of interest or the appearance of a conflict of interest may occur if an Evaluation Committee member or lead is directly or indirectly involved with an organization that has submitted a proposal for evaluation. Prior to reviewing any proposals, an Evaluation Committee member or lead must inform the ULA Chief Compliance Officer of any potential conflicts of interest. If an Evaluation Committee member or lead becomes aware of any potential conflict of interest as they review a proposal, such person must immediately notify the ULA Executive Director or Chief Compliance Officer. An Evaluation Committee member may be disqualified if they conduct themselves in a way that could create the appearance of bias or unfair advantage with or on behalf of any competitive proposer, potential proposer, agent,

subcontractor, or other business entity whether through direct association with contract representatives, indirect associations, recreational activities, or otherwise.

The ULA will adhere to R33-24-104 Socialization with Vendors and Contractors, R33-24-105 Financial Conflicts of Interest Prohibited, R33-24-106 Personal Relationship, Favoritism, or Bias Participation Prohibition, and R33-24-107 Professional Relationships and Social Acquaintances Not Prohibited

To assure the integrity of the solicitation process, all Evaluation Committee members, including any paid consultants, are required to complete the RFP Conflict of Interest/Confidentiality Statement (see Exhibit C).

EXHIBIT A – PURCHASING MATRIX

Type of Purchase	Dollar Amount	Policy Requirements	Initial Approval	Secondary Approval
Minimal Purchase	Under \$5,000 annual fiscal year cumulative amount	Funds must be available Documents are retained	Executive Director	ULA Clerk
Small Purchase	\$5,000 or greater but less than \$50,000 annual fiscal year cumulative amount	Minimum of two competitive quotes that include minimum specifications Funds must be available Documents are retained	Executive Director	ULA Governing Board Chair or Vice Chair
Large Purchase	\$50,000 or greater but less than \$250,000 annual fiscal year cumulative amount	Bid or proposal Seven days' notification using State Purchasing System State Purchasing to oversee bidding process	Executive Director	ULA Governing Board Chair or Vice Chair

Long-Term Purchases Contract /Cumulative Contract Value	\$250,000 or greater or three years or longer total contract	Board approval prior to any purchase	Executive Director ULA Board	ULA Governing Board Chair or Vice Chair
State Cooperative Contract	Any amount	Purchase without a bid process	Executive Director	ULA Governing Board Chair or Vice Chair
Professional Services	Any amount	\$0 to < \$50,000 Minimal purchase process > \$50,000 Competitive bid process. These services include lawyers, engineers, architects, auditors, real estate brokers, leasing agents, construction managers, etc. A limited evaluation of expertise and scope must be conducted, approved, and signed off by the Executive Director prior to the RFP being posted.	Executive Director	ULA Governing Board Chair or Vice Chair
Ground or Property Leases	Any amount	Purchases or leases for ground or property	Executive Director ULA Governing Board	ULA Governing Board Chair or Vice Chair

Concession Agreements	Any amount	<p>Concession proposal</p> <p>Seven days' notification using State Purchasing system</p> <p>Notice arranged with State Purchasing</p>	Executive Director	ULA Governing Board Chair or Vice Chair
Government Agency	Any amount	<p>< \$100,000</p> <p>If another governmental entity (local, state, or federal) has awarded a contract to a vendor via a competitive bid process within the past 90 days and the vendor will give the same price, you may purchase without bid procedure.</p> <p>= or > \$100,000</p> <p>Competitive bid process</p>	Executive Director	ULA Governing Board Chair or Vice Chair
Interlocal Agreements	Any amount	<p>Purchases from other governmental entities</p> <p>May be made without bid procedure at any level</p>	Executive Director	ULA Governing Board Chair or Vice Chair
Sole-Source Purchasing	Any amount	<p>May be made without bid procedure at any level</p> <p>> \$250,000</p> <p>Must be approved in writing by the Executive Director in consultation with the Chief Compliance Officer</p>	Executive Director	ULA Governing Board Chair or Vice Chair

Confidential Services	Any amount	Purchases to obtain confidential services May be made without bid procedure at any level	Executive Director	ULA Governing Board Chair or Vice Chair
Emergencies	Any amount	Purchases of supplies, services, or construction during emergencies May be made without bid procedure at any level	Executive Team Member	ULA Clerk

EXHIBIT B – RFP CONFLICT OF INTEREST AND CONFIDENTIALITY

Your willingness to participate as an RFP Evaluation Committee member is an integral part of the procurement process. The Utah Lake Authority (ULA) truly appreciates your assistance and expertise.

Your designation as an RFP Evaluation Committee member requires that you fully understand the policies regarding potential conflicts of interest and the confidential nature of the proposals and all that is contained therein. Under the Utah Administrative Code R33-24-101, “unlawful conduct shall be governed in accordance with the requirements set forth in Sections 63G-6a-2401 through 2407 [of the Utah Procurement Code].” Rule 33-24 of the Utah Administrative Code provides additional requirements and procedures and must be used in conjunction with the Utah Procurement Code.

Confidentiality

The competitive procurement process and policies of the ULA ensure that the competitive process operates in a fair and equitable manner. As an RFP Evaluation Committee member, you may have access to information not generally available to the public and are charged with special professional and ethical responsibilities. This information may include information about proposers that is to be used only during the evaluation process and for discussion only with fellow RFP Evaluation Committee members. You shall not communicate the evaluation, scoring, or status of any proposal or business entity at any time prior to, during, or after the procurement process. You shall not use such information obtained as an RFP Evaluation Committee member for either personal benefit, pecuniary, or otherwise or copy and/or disseminate any portion of any proposal at any time prior to, during, or after the procurement process.

Conflict of Interest

A conflict of interest or the appearance of a conflict of interest may occur if you are directly or indirectly involved with an organization that has submitted a proposal for evaluation. Prior to reviewing any proposals, you must inform the ULA of any potential conflicts of interest. If you become aware of any potential conflict of interest as you review a proposal, you must immediately notify the ULA. You may be disqualified as an RFP Evaluation Committee member if you conduct yourself in a way that could create the appearance of bias or unfair advantage with or on behalf of any competitive proposer, potential proposer, agent, subcontractor, or

other business entity whether through direct association with contract representatives, indirect associations, recreational activities, or otherwise.

As part of the ULA Procurement Policy, a conflict of interest includes:

R33-24-104. Socialization with Vendors and Contractors

(1) A procurement professional shall not:

- participate in social activities with vendors or contractors that will interfere with the proper performance of the procurement professional's duties
- participate in social activities with vendors or contractors that will lead to unreasonably frequent disqualification of the procurement professional from the procurement process
- participate in social activities with vendors or contractors that would appear to a reasonable person to undermine the procurement professional's independence, integrity, or impartiality.

(2) If an executive branch procurement professional participates in a social activity prohibited under R33-24-104(1) or has a close personal relationship with a vendor or contractor, the procurement professional shall promptly notify their supervisor, and the supervisor shall take the appropriate action, which may include removal of the procurement professional from the procurement or contract administration process that is affected.

R33-24-105. Financial Conflict of Interests Prohibited

A procurement conflict of interest is a situation in which the potential exists for an executive branch employee's personal financial interests or for the personal financial interests of a family member to influence or have the appearance of influencing the employee's judgment in the execution of the employee's duties and responsibilities when conducting a procurement or administering a contract.

In order to preserve the integrity of the State's procurement process, an executive branch employee may not take part in any procurement process, contracting, or contract administration decision:

- relating to the employee or a family member of the employee
- relating to any entity in which the employee or a family member of the employee is an officer, director, or partner or in which the employee or a family member of the employee owns or controls 10% or more of the stock of such entity or holds or directly or indirectly controls an ownership interest of 10% or more in such entity

(3) If a procurement process, contracting, or contract administration matter arises relating to the employee or a family member of the employee, the employee must advise their supervisor of the relationship and must be recused from any and all discussions or decisions relating to the procurement, contracting, or administration matter. The employee must also comply with all disclosure requirements in Utah Code Title 67 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

R33-24-106. Personal Relationship, Favoritism, or Bias Participation Prohibitions

(1) Executive branch employees are prohibited from participating in any and all discussions or decisions relating to the procurement, contracting, or administration process if they have any type of personal relationship, favoritism, or bias that would appear to a reasonable person to influence their independence in performing their assigned duties and responsibilities relating to the procurement process, contracting, or contract administration or prevent them from fairly and objectively evaluating a proposal in response to a bid, RFP, or other solicitation. This provision shall not be construed to prevent an employee from having a bias based on the employee's review of a response to the solicitation in regard to the criteria in the solicitation.

(2) If an executive branch employee has a personal relationship, favoritism, or bias toward any individual, group, organization, or vendor responding to a bid, RFP, or other solicitation, the employee must make a written disclosure to the supervisor, and the supervisor shall take appropriate action, which may include recusing the employee from any and all discussions or decisions relating to the solicitation, contracting, or administration matter in question. This provision shall not be construed to prevent an employee from having a bias based on the employee's review of a response to the solicitation in regard to the criteria in the solicitation.

R33-24-107. Professional Relationships and Social Acquaintances Not Prohibited

(1) It is not a violation for an executive branch employee who participates in discussions or decisions relating to the procurement, contracting, or administration process to have a professional relationship or social acquaintance with a person, contractor, or vendor responding to a solicitation or that is under contract with the State, provided that there is compliance with Rule R33-24-105, Rule R33-24-106, the Utah Public Officers' and Employees' Ethics Act, the Governor's Executive Order (EO 002 2014) "Establishing an Ethics Policy for Executive Branch Agencies and Employees," and other applicable state laws.

To assure the integrity of the RFP process, all RFP Evaluation Committee members, including any paid consultants, are required to complete the RFP Conflict of Interest/Confidentiality Statement.

EXHIBIT C – RFP COI: RFP EVALUATOR CONFLICT OF INTEREST/CONFIDENTIALITY STATEMENT

I, _____, as a member of the RFP Evaluation Committee for Request for Proposals Utah Lake Authority (Insert RFP Name), will perform the evaluation under the guidelines, procedures, and requirements provided by the ULA.

Further, I represent as follows:

I, to the best of my knowledge, do not have a conflict of interest with vendors or contractors in which the potential exists for my personal financial interests or for the personal financial interests of a family member to influence or have the appearance of influencing my judgment in the execution of my Evaluation Committee duties and responsibilities.

I have not received any compensation from any employee, consultant, or anyone working for any vendor or contractor currently responding to a solicitation or who currently has a contract with the ULA.

I will not participate in any discussions or decisions relating to this RFP if I have any type of personal relationship, favoritism, or bias that would appear to a reasonable person to influence my independence in performing my assigned Evaluation Committee duties and responsibilities or prevent me from fairly and objectively evaluating a proposal.

I will conduct the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.

I understand that all information contained in the proposals and information regarding the evaluation process is protected and cannot be released or discussed in any manner with other offerors or individuals not involved in the evaluation process. I agree that I will not discuss or share any information provided in the proposals or interviews with anyone other than the selection committee members and the ULA-designated Evaluation Committee Lead prior to the completion of the evaluation and selection process, and I will not discuss or disseminate the deliberations of the selection committee, the basis for the selection, or any information identified as protected.

I have read this document and understand my obligations as explained herein. I further understand that I must immediately advise the ULA, in writing, if a conflict currently exists or arises during my term of service as an RFP Evaluation Committee member. I further understand that I must sign and deliver this statement to the ULA Chief of Compliance prior to participating in the evaluation process.

Evaluator Signature: _____ Date:

PRIVACY POLICY

For the purposes of this statement, "personally identifiable information" means any information relating to an identified or identifiable individual who is the subject of the information.

Individuals do not have to routinely provide personal information to visit the Utah Lake Authority (ULA) site or to download information. Government agencies may request personally identifiable information from you in order to provide requested specialized services, but such information is handled as it would be on an in-person visit to a government office.

PERSONALLY IDENTIFIABLE INFORMATION AVAILABLE FROM GOVERNMENTAL WEBSITES

Access to personally identifiable information in public records at state and local levels of government in Utah is controlled primarily by the Government Records Access and Management Act (GRAMA). Information that is generally available under GRAMA may be posted for electronic access through utahlake.gov. The IP addresses of computers (servers) used to visit this site are noted as part of our statistical analysis on use of our website so we may better design services and improve access to them.

Cookies and tracking pixels are also utilized as a part of statistical analysis. However, the site does not attempt to gain personally identifiable information on individual users and associate them with IP addresses.

USE OF EMAIL ADDRESSES

Email addresses obtained as a result of outreach efforts by the ULA will not be sold nor given to private companies for marketing purposes. The information collected is subject to GRAMA. Email or other information requests sent to our website may be maintained in order to respond to the request, forward that request to the appropriate agency, communicate updates to the webpage that may be of interest to residents, or to provide the ULA web designer with valuable customer feedback to assist in improving the site.

LINKS

This website contains links to other sites. Please be aware that the ULA is not responsible for the content or privacy practices of other such sites. We encourage our users to be aware when they leave our site and to read the privacy statements of any other site that collects personally identifiable information.

CHANGES TO AND VERSIONS OF THE PRIVACY POLICY

This privacy policy may be changed at any time; any changes will be posted on the website. Information collected while a particular version of this policy is in effect will be handled in accordance with that version. If you have questions, comments, or concerns, please contact us.

If you feel that the ULA is not abiding by this privacy policy, please contact the ULA office immediately via telephone at 801-753-8270 or via email at info@utahlake.gov.

RECORDS MANAGEMENT

The Utah Lake Authority (ULA) will comply with the most recent additions of the Open and Public Meetings Act (OPMA) and the Government and Records Access Management Act (GRAMA). Records management is crucial to operating in a transparent manner, and all efforts will be made by ULA staff to ensure compliance.

RESPONSIBILITIES

The ULA Executive Director shall serve as the records Chief Administrative Officer (CAO). The ULA Executive Director will designate one or more staff members as designated Records Officers to ensure agency compliance with GRAMA, records management, and GRAMA requests. Responsibilities of the CAO, records officer(s), and staff are specified in GRAMA.

RETENTION SCHEDULES

The ULA shall keep all records, including books, accounts, and documents according to the General Records Retention Schedules of the Utah State Archives. Such records shall be open for public inspection pursuant to the provisions of the ULA Records Management Policy and GRAMA. The following are a few records to which there are additional details provided to inform staff:

Email

All staff emails will be maintained according to the three Correspondence Retention Schedules provided by Utah State Archives: Transitory (GRS-1759), State Government Routine Administrative Correspondence (GRS-48), and State Agency Executive Correspondence (GRS-1758).

Emails are kept in inbox until the applicable retention schedule disposition applies. Employees should review their inboxes on a monthly basis to ensure compliance on disposition. Email trash settings will be set to delete forever at 30 days.

Text Messages

All communications via text that staff participate in on work topics should be transitory in nature and follow the Transitory Correspondence Retention Schedule. Staff phones should be set to automatically delete text messages that are 30 days old. Any communications that are administrative (GRS-48) or executive (GRS-1758) should not occur over text message.

Paper Files

All paper files considered records must be maintained according to the General Retention Schedule. All files should be maintained in the agency filing cabinet in the ULA offices, filed according to the appropriate retention schedule and labeled accordingly. Paper files that fall under a retention schedule with permanent retention disposition should be filed in long-term storage totes.

Digital Files

All digital files created or maintained by ULA staff should be retained in accordance with the General Retention Schedule. Files and folders should be named to ensure clarity in retention as well as in response to GRAMA requests. Files should have dates present, either in the file name or on the document itself. All drafts should have the word “draft” present to be properly identified. Staff should ensure that any personal notes or files are kept separate from agency files.

AUDIT

The Records Officer will ensure ULA staff perform self-audits quarterly to maintain records management. The Records Officer will perform an annual audit of agency records. Any records that are set to be destroyed according to their applicable retention schedule should be disposed of properly during the monthly and annual audits.

GRAMA RECORDS REQUESTS

A request for records possessed by the ULA can be made by submitting a written request under GRAMA. Requests must be submitted via the Utah Open Records Portal:

<https://archives.utah.gov/opengovernment/open-records.html>.

Any individual or entity can submit a GRAMA request. The ULA GRAMA Officer will review and respond to all requests. All documents are considered public unless the GRAMA Officer designates them as private, controlled, or protected.

Fees will be assessed in compliance with GRAMA. If the fee is over \$50, the ULA may require payment of estimated fees before the documents are provided.

ULA Fees for Providing Records under GRAMA

As authorized by GRAMA, Utah Code § 63G-2-203, a governmental entity may charge a reasonable fee to cover the governmental entity’s actual cost of duplicating a record:

Standard size, non-color white copies	\$0.25 per page
Standard size, color copies	\$0.50 per page
11×17 copies	\$0.50 per page
Other-sized copies	Actual cost
Data or media storage device	\$15.00 (up to 16GB)
Other media/supplies	Actual cost
Staff mail preparation time	\$2.00 (plus actual mailing cost if greater than \$2.00)
Certification of a document	\$2.00 per certification
Other services	Actual cost (includes staff time)

Staff Time

GRAMA provides that staff time includes the time required to search, compile, and otherwise prepare to provide a record. The actual cost should not exceed the salary of the lowest-paid employee who, under the discretion of the Records Custodian, has the necessary skill and training to perform the request under Utah Code § 63G-2-203(2)(b).

Staff time is calculated hourly when preparing and distributing digital documents.

SOCIAL MEDIA POLICY

INTERNAL POLICY

This document defines the social networking and social media policy for the Utah Lake Authority (ULA). The ULA encourages the use of social media to further the goals of the agency and the missions of its departments, where appropriate.

Personal vs. Professional Guidelines

Personal Use

All ULA employees may have personal social media sites. These sites should remain personal in nature and share personal opinions. While ULA employees may have a First Amendment right to comment on some agency issues that are of significant public concern, employees should know that posts about agency issues that are closer to employment complaints or human resources concerns may not be protected. Employees should be mindful of the distinction between sharing personal and agency views.

Agency employees must never use their agency email account or password in conjunction with a personal social media site. The following guidance is for agency employees who decide to have a personal social media or who decide to comment on posts about official ULA business:

- State your name and, if relevant, role, when discussing agency business
- Use a disclaimer such as, “The postings on this site are my own and don’t reflect or represent the opinions of the agency for which I work.” If social media is used for official agency business, the entire agency site, regardless of any personal views, is subject to best practice guidelines and standards.

Professional Use

All official ULA-related communication through social media should remain professional in nature and should always be conducted in accordance with the ULA’s communications policy, practices, and expectations. Employees must not use official agency social media for political purposes, to conduct private commercial transactions, or to engage in private business activities. ULA employees should be mindful that inappropriate use of official agency social media can be grounds for disciplinary action.

Only individuals authorized by the ULA may publish content to the ULA's online platforms.

Posting

Official social media sites need to be clear and precise and follow industry best practices for posting updates. All content posted to ULA social media should be:

- **Relevant**—Information that engages residents and pertains to their daily lives
- **Timely**—Pertains to deadlines, upcoming events, or current news
- **Actionable**—Prompts residents to take action

Please refer to the ULA style guide for specific guidelines on content format.

What Not to Post

ULA employees may not publish content on ULA social media sites that includes:

- Confidential information
- Copyrighted material without permission
- Profane, racist, sexist, threatening, or derogatory content or comments
- Partisan political views
- Commercial endorsements or spam

Retention

Social media sites are subject to GRAMA. Any content produced or maintained on a ULA social media site, including communication posted by the agency and communication received from citizens, is a public record.

The department maintaining a site shall preserve records pursuant to the relevant records retention schedule in a format that preserves the integrity of the original record and is easily producible.

Registering a New Page

All ULA social media sites shall be (1) approved by the Outreach Coordinator, (2) published using approved social networking platform and tools, and (3) administered by the contact or their designee.

Deregistering an Existing Page

If a social media page is no longer of use, (1) notify the Outreach Coordinator, (2) ensure records have been archived according to agency guidelines, (3) unpublish and delete page.

EXTERNAL POLICY

Purpose

To build communication and trust with our residents and visitors and encourage participation through comments and feedback.

Goals

The ULA aims to effectively use social media accounts to:

- Provide information
- Support community engagement and outreach
- Support marketing and promotional campaigns
- Frame the public conversation around the ULA
- Assist with recruitment efforts

Please be aware that when engaging with this agency through social media, you agree to the following:

Moderation of Third-Party Content

The agency does not endorse, support, sanction, encourage, verify, or agree with third-party comments, messages, posts, opinions, advertisements, videos, promoted content, external hyperlinks, linked websites (or the information, products, or services contained therein), statements, commercial products, processes, or services posted on any social media site.

This agency social media site serves as a limited public forum, and all content published is subject to preservation and disclosure in accordance with GRAMA. User-generated posts may be rejected or removed if the content:

- Contains obscenity or bullying
- Incites or promotes violence or illegal activities
- Contains spam or links to malware
- Promotes illegal discrimination (e.g., housing discrimination)
- Contains actual defamation

- Uses the copyrighted work of another

We do not allow information intended to compromise the safety or security of the public or public systems. You participate at your own risk, taking personal responsibility for your comments, your username, and any information provided.

Retention

Any communications sent to or received by the ULA and its employees via social media may be subject to our retention and disclosure requirements. We are required to comply with GRAMA to ensure government is open and that the public has access to public records and information of which our agency is the custodian. These retention requirements apply regardless of the form of the record (e.g., digital text, photos, audio, and video). To that end, we automatically collect and store all information posted on this agency's social media site. All information posted on this site may be subject to public disclosure under GRAMA, even if it has been deleted. The ULA shall preserve records pursuant to a relevant records retention schedule.

Emergency Postings

Social media sites are not monitored 24/7. If there is an emergency, contact 911.

GENERAL POLICIES

DISTRICT BOARD MEMBER TRAINING POLICY

All Utah Lake Authority (ULA) Governing Board members are required to complete the District Board Members Training provided by the Utah Office of the State Auditor at least once every 4 years.

The training is available online at the following link:

<http://training.auditor.utah.gov/collections>. The required course is titled "District Board Members Training (YYYY)" with the "YYYY" herein representing whichever year is the current year training.

ULA Governing Board members must provide proof of completion of this training upon request.

ETHICS POLICY

ULA staff desire to protect, enhance, and promote Utah Lake as a public resource. In order to pursue these activities in a legal and ethical manner, all employees of the ULA will be held to a higher standard of ethical behavior. This includes, but is not limited to, the following list of behaviors.

Employees of the ULA will:

- Conduct themselves professionally, with the highest level of integrity
- Accurately represent material facts in their business dealings
- Comply with all applicable local, state, and federal laws
- Always seek the counsel of professionals for any issue in which they are not well-versed
- Complete their own due diligence in all business dealings and encourage others to do the same
- Not place themselves in such a position where their interests may be in conflict, or appear to be in conflict, with the good of the ULA
- Not make any unauthorized representations to the public, press, or media with regards to the ULA's position on any matter without the approval of the Executive Director or ULA Chair
- Promote the ULA in its positive image within the community and aid and assist in its growth

- Not use the ULA logo or other identification material or slogans in any manner outside of normal work duties without the express written permission of the Executive Director

Those who want the ULA to act against an employee for what they perceive to be unethical behavior must present their case to the Governing Board. The Governing Board may then impose disciplinary action if and how it sees fit.

To reach the state's fraud hotline to leave anonymous information regarding possible incidents of fraud, 7 days a week, 24 hours per day, call (800) 955-2210.

I, _____ agree to abide by the above listed guidelines for the duration of my employment with the ULA.

Signature

Date

PERSONAL USE OF UTAH LAKE AUTHORITY OFFICE EQUIPMENT

Management at the ULA may permit employees to make limited personal use of ULA office equipment, provided such use does not reduce or otherwise adversely affect the employee's productivity during work hours and does not interfere with the mission or operations of the ULA.

The office equipment governed by this policy includes, but is not limited to, personal computers, peripherals such as printers, computer software, photography and videography equipment, consumable office products, office supplies, removable media, library resources, Internet connectivity, and email. Use of ULA information resources constitutes permission to monitor that use.

Limited personal use of ULA office equipment, including information technology, means occasional use that meets the following criteria:

- Is of limited duration, length, or size and does not interfere with employees' official duties or the transaction of official ULA business
- Results in only minimal, if any, additional expense to the ULA or minimal wear and tear on ULA office equipment: uses a small amount of data storage, has only a small-to-moderate transmission impact, or requires only small amounts of consumable office

products (e.g., ink, paper, toner, and computer memory)

Some examples of limited personal use are:

- Making a few photocopies
- Making occasional, brief telephone calls that result in little or no cost
- Sending a brief personal email from your ULA account
- Doing a brief Internet search
- Taking the office camera for occasional use

Limited personal use of ULA office equipment, including information technology, must not:

- Reduce employee productivity or interfere with official ULA business (e.g., congest, delay, or disrupt any ULA system or equipment)
- Be for any illegal purpose, including, but not limited to, gaining unauthorized access to other systems, disseminating any discriminatory or hate-based materials or speech, or reproducing or distributing copyrighted, trademarked, proprietary, or export-controlled data or software
- Be in relation to sexually explicit or sexually illicit materials
- Be for the purpose of fundraising, endorsing any product or service, lobbying, or participating in any prohibited partisan political activity
- Result in the disclosure of any ULA information that is not otherwise public

Use of ULA office equipment in violation or excess of the limited personal use permitted by this policy may result in limitations on future use, administrative action, criminal penalty, and personal financial liability.

For advice on how to avoid violating this policy, please speak with the Executive Director.

TECHNOLOGY SECURITY POLICY

The ULA supports secure network systems, including security for all personally identifiable information that is stored on paper or digitally on ULA computers and networks. The ULA mitigates data threats that may harm the agency or agency staff. The ULA will make reasonable efforts to maintain network security, understanding that data loss can be caused by human error, hardware malfunction, or natural disaster and may not be preventable.

When an employee or other user becomes aware of suspicious communication or unauthorized use of data, they will immediately contact the ULA Information Security Officer (Executive Director).

Procedures

Security Responsibility

The ULA shall appoint, in writing, an Information Security Officer responsible for overseeing data security to include development of policies and adherence to the standards defined in this document.

Training

The ULA shall ensure that all employees with access to sensitive information undergo an annual review of this policy, which emphasizes their personal responsibility for protecting agency and employee information.

Physical Security

The ULA will ensure that any user's computer is not left unattended and unlocked, especially when logged into sensitive systems or data. Users will set up automatic log off and will protect devices with strong passwords to enforce this requirement.

The ULA will ensure that all equipment that contains sensitive information will be secured to deter theft.

The ULA will ensure that agency offices are kept locked, with access only by authorized personnel when ULA staff are not present in the offices.

Network Security

The ULA shall ensure that all agency wireless networks are password protected. If an employee will be working from home, their wireless network is required to be password protected.

No wireless access point shall be installed on the ULA's computer network that does not conform to current network standards.

Access Control

The ULA will enforce strong password management for employees.

ULA staff will not share information system passwords with anyone. All passwords are to be treated as sensitive, confidential information.

If a situation arises where access to information, documents, etc. is needed in a timeline or manner that requires voluntary sharing of passwords in order to ensure continuity of business in a timely manner, an employee may share their password vocally. As soon as feasible afterward, the password shared should be changed to ensure protection of information.

Do not insert information system passwords into email messages or other forms of electronic communication.

Any user suspecting that their password may have been compromised must report the incident and change all passwords.

The ULA will ensure that user access to information systems be limited to only those specific access requirements necessary to perform their jobs and that access to information systems is terminated and agency-owned devices are returned when an employee leaves the agency.

Malicious Software

The ULA shall install, distribute, and maintain spyware and virus protection software on agency-owned equipment (i.e., desktop computers and laptops).

Security Audit and Remediation

The ULA shall perform routine security and privacy audits as needed.

Employee Disciplinary Actions

Any employee found to be in violation of the ULA's technology security plan or non-disclosure agreement may be subject to disciplinary action up to and including termination of employment with the ULA.