

## **PROJECT SUNLIGHT POLICY**

Project Sunlight, a part of the Public Integrity Reform Act of 2011, is a program designed to increase government transparency and accountability by allowing the public to see who interacts with New York State employees. As such, it requires certain state employees to report Appearances, as defined below, by individuals or firms that are intended to influence the agency's decision-making process related to procurement, rate making, regulatory matters, judicial or quasi-judicial proceedings and the adoption or repeal of a rule or regulation.

The Hugh L. Carey Battery Park City Authority (the "BPCA") and Battery Park City Parks Conservancy ("BPCPC") (collectively, the "Organization") has therefore created this policy (the "Policy") to ensure compliance with the applicable reporting requirements of Project Sunlight.

### **I. APPLICABILITY**

This Policy applies to Appearances (as defined herein) between Covered Individuals (as defined herein) that concern a Covered Subject Matter (as defined herein).

### **II. DEFINITION**

- a) **Covered Employees** shall mean all employees, officers and members of the Board of the Organization who have been designated as policy-makers by the Organization and any other employees or agents of the Organization who may be designated by the Project Sunlight Liaison as being subject to the reporting requirements of Project Sunlight.
- b) **Third Party Representatives** shall mean any person acting on his or her own behalf, any internal representative of an entity (for example, its President, General Counsel or other officer or employee), and any external representative of a person or entity (for example a lobbyist).
- c) **Covered Individuals** shall mean Covered Employees and Third Party Representatives.
- d) **Covered Subject Matter** shall mean any matter regarding the procurement of real property, goods or services that cost (or could cost) over \$25,000.
- e) **Appearance** shall mean a substantive interaction between Covered Individuals that is meant to influence or have an impact upon the Organization's decision making process regarding a Covered Subject Matter. An Appearance may be formal or informal, occur anywhere, or be initiated by any Covered Individual.
- f) **Reportable Appearance** shall mean an Appearance that occurs in-person (such as at meetings) and via video conferences. Examples include, but are not limited to:

- In person sales pitches to a Covered Individual to procure a contract with the Organization, whether or not a specific procurement is anticipated, as long as the procurement would cost more than \$25,000.

**g) Appearance shall not mean:**

- Appearances by employees of other state and local agencies and authorities, tribal governments and the federal government.
- Appearances by elected officials, executive or legislative employees, or judges or employees of the judiciary.
- Appearances by representatives of the press and media.
- Appearances by persons under the age of 18.
- Appearances for scheduling a meeting or other ministerial interactions.
- Appearances related to requests for information or other interactions for informational purposes, including but not limited to conducting market research.
- Appearances via telephone calls and conferences.
- Written communications such as letters, faxes, forms and emails;
- Appearances regarding legislation or the budget.
- Any interaction that the Organization treats as confidential pursuant to federal or state statute, law, rule or regulation.
- Any Appearance that if disclosed could endanger the life or safety of any person.
- Appearances related to procurements during the restricted period such as bid clarification meetings and bid interviews.
- Participation in meetings which are open to the public, such as conferences or meetings subject to the Open Meetings Law or where a record of the meeting is otherwise available to the public.
- Appearances following the award of a contract.
- Appearances related to emergency procurements.
- Appearances for the procurement of real property, goods or services that cost \$25,000 or less.

### **III. PROCEDURES**

**a) Reporting Appearances.**

1. Covered Employees shall: (i) make a contemporaneous record of such Appearance using the Reportable Appearance Form (RAF), which is attached hereto and is available on the Intranet.

2. The RAF shall include, but not be limited to, the day and time of each Reportable Appearance; the identity of the Third Party Representative; and a general summary of the substance of the interaction.
3. Completed RAFs must be promptly, but in no event later than two (2) business days after the date of the Reportable Appearance occurred, electronically submitted to the Project Sunlight Liaison.
4. If you have questions regarding compliance with Project Sunlight's reporting requirements, including whether a specific matter that is the subject of an Appearance is reportable for the purpose of Project Sunlight and this Policy, you should immediately contact the Project Sunlight Liaison.

**b) Project Sunlight Database.** The Project Sunlight Liaison shall, upon receipt of a RAF, submit and enter the information provided into the Project Sunlight database within five (5) business days of the date of the Reportable Appearance listed in the RAF or as soon as practicable.

**c) Violations.** The Organization takes this Policy and any violations thereof seriously. Actual or suspected violations of this Policy should be reported to the Chief Administrative Officer. Failure to adhere to this Policy, including but not limited to failing disclose a Reportable Appearance may lead to disciplinary action up to and including termination.

#### **IV. EFFECTIVE DATE**

This Policy shall take effect immediately.

#### **V. LEGAL AUTHORITY**

This Policy is promulgated pursuant to the By-Laws of BPCA and BPCPC as well as the Public Integrity Reform Act of 2011.

#### **VI. REVIEW**

This Policy shall be reviewed and amended as necessary, but in no event, later than January 2014.

**PROJECT SUNLIGHT  
BPCA/BPCPC  
REPORTABLE APPEARANCE FORM**

**If you are involved in a Reportable Appearance (i.e. a substantive interaction with a Third Party Representative that is meant to influence or have an impact on the Organization's decision making process regarding the procurement of real property, goods or services), you must complete this form, and submit it to the Project Sunlight Liaison no later than two (2) days after the date of the Reportable Appearance.**

Your Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Work Location \_\_\_\_\_ Department \_\_\_\_\_

The interaction was made by means of (check one):     In Person         Video Chat         Video Conference

Name of Third Party Representative \_\_\_\_\_ Date and Time of the Reportable Appearance \_\_\_\_\_

Name of Company represented by Third Party Representative \_\_\_\_\_

The interaction was concerning the procurement of (check one):

Real Property         Goods         Services

General Summary of the Reportable Appearance \_\_\_\_\_

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