

# **PROCUREMENT LOBBYING LAW**

## **FORM A**

### **SUMMARY**

#### **Policy and Procedure of the State University of New York Relating to State Finance Law §§139-j and 139-k**

State Finance Law §§139-j and 139-k, enacted by Chapter 1 L. 2005, as amended by Chapter 596 L. 2005, effective January 1, 2006, regulate lobbying on government procurement, including procurements by State University to obtain commodities and services and to undertake real estate transactions.

Generally, the law restricts communications between a potential vendor or a person acting on behalf of the vendor, including its lobbyist, to communications with the officers and employees of the procuring agency designated in each solicitation to receive such communications. Further, the law prohibits a communication (a "Contact") which a reasonable person would infer as an attempt to unduly influence the award, denial or amendment of a contract. These restrictions apply to each contract in excess of \$15,000 during the "restricted period" (the time commencing with the earliest written notice of the proposed procurement and ending with the later of approval of the final contract by the agency, or, if applicable, the State Comptroller). The agency must record all Contacts, and, generally, must deny an award of contract to a vendor involved in a knowing and willful impermissible Contact. Each agency must develop guidelines and procedures regarding Contacts and procedures for the reporting and investigation of Contacts. The agency's procurement record must demonstrate compliance with these new requirements.

Accordingly, neither a potential vendor nor a person acting on behalf of the vendor should contact any individual at State University other than the person designated in this solicitation as State University's Designated Contact, nor attempt to unduly influence award of the contract. State University will make a record of all Contacts, and such records of Contact will become part of the procurement record for this solicitation. A determination that a vendor or a person acting on behalf of the vendor has made intentionally a Contact or provided inaccurate or incomplete information as to its past compliance with State Finance Law §§139-j and 139-k is likely to result in denial of the award of contract under this solicitation. Additional sanctions may apply.

A complete copy of the State University of New York Procurement Lobbying Policy and Procedure is available for review at [www.suny.info/policies](http://www.suny.info/policies).

## FORM B

### Affirmation with respect to State Finance Law §§139-j and 139-k

Procurement Description/ID No. \_\_\_\_\_

Prior to approval by State University, or, if applicable, the State Comptroller, of the contract for which this solicitation has been issued, an Offerer shall not communicate with State University other than with the person identified in this solicitation as Designated Contact, or with a person who the Designated Contact has advised the Offerer is also a Designated Contact.

Offerer is aware of the policy and prohibitions regarding Contacts, as stated in the form attached as Form A. A complete copy of the State University of New York Procurement Lobbying Policy and Procedure is available for review at [www.suny.info/policies](http://www.suny.info/policies).

Each Offerer shall submit with its Proposal a written affirmation of its understanding of State University's procurement lobbying procedures and agreement to comply with such procedures. That written affirmation shall be provided on this, Form B.

Offerer shall submit with its Proposal, in the form attached as Form C, written disclosure whether the Offerer has been determined to be non-responsible within the previous four years by reason of having violated State Finance Law §139-j or having intentionally provided false or incomplete information to a Governmental Entity with respect to its compliance with State Finance Law §139-j; and certification and that the Offerer has provided accurate and complete information with respect to the Offerer's compliance with State Finance Law §§139-j and 139-k within the previous four years.

State University reserves the right to terminate this contract in the event it is determined that the certification filed by the Contractor in accordance with State Finance Law §§139-j and 139-k was intentionally false or intentionally incomplete. Upon such determination, State University may exercise its termination right by providing written notification to the Contractor in accordance with the written notification terms of the contract.

Offerer **AFFIRMS** that it has reviewed and understands the Policy and Procedure of the State University of New York, relating to State Finance Law §§139-j and 139-k, and agrees to comply with State University's procedure relating to Contacts with respect to this procurement.

Name of Offerer: \_\_\_\_\_

Address: \_\_\_\_\_

Person Submitting Form:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM C**

**Disclosure and Certification with respect to State Finance Law §§139-j and 139-k**

Procurement Description/ID No. \_\_\_\_\_

1. Has a Governmental Entity, as defined in State Finance Law §139-j(1)(a), made a determination of non-responsibility with respect to the Offerer within the previous four years where such finding was due to a violation of State Finance Law §139-j or the intentional provision of false or incomplete information with respect to previous determinations of non-responsibility?

No \_\_\_  
Yes \_\_\_

If yes, provide the following details:  
Governmental Entity which made the finding:  
Date of finding:  
Basis of finding:

2. Has a Governmental Entity terminated or withheld a procurement contract with the Offer because of violations of State Finance Law §139-j or the intentional provision of false or incomplete information with respect to previous determinations of non-responsibility?

No \_\_\_  
Yes \_\_\_

If yes, identify the following:  
Governmental Entity which terminated the contract:  
Date of contract termination or withholding:  
Identify the related procurement contract:

Offerer **CERTIFIES** that all information provided by Offerer with respect to its compliance with State Finance Law §§139-j and 139-k is complete, true and accurate.

Name of Offerer: \_\_\_\_\_

Address: \_\_\_\_\_

Person Submitting Form:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_