

SUNY Maritime College

Information Sheet

New York State Finance Law 139-j and 139-k

Procurement Lobbying Procedure for SUNY

Effective January 1, 2006, New York State initiated a new State Finance Law regarding the regulation of lobbying on government procurement. 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 ("Contact") which a reasonable person would infer as an attempt to unduly influence the award, denial or amendment of a contract. These restriction apply to each contract in excess of \$15,000.00 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 knowing and willful Contact. Each agency must develop guidelines and procedures regarding Contacts and procedures regarding Contracts 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 the 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 record 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.

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.

Following are forms related to the above State Finance Law 139-j and 139-k that are required to be submitted with the proposal for this solicitation. Proposals that do not have these forms shall not be considered by the University. The forms that are required to be submitted with each proposal are:

- "Affirmation with respect to State Finance Law 139-j and 139-k"
- "Disclosure and Certification with respect to State Finance Law 139-j and 139-k".

**Exhibit L (Form B)
Procurement Lobbying Law
SUNY Maritime College**

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

Procurement Description / ID number: _____

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 on non-responsibility?

Yes _____

No _____

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

2. Has a Governmental Entity terminated or withheld a procurement contract with the offerer 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?

Yes _____

No _____

If yes, provide the following details: Governmental Entity which terminated the contract, Date of contract termination or withholding and identity of 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.

Company Name: _____

Address: _____

Signature: _____ Date: _____

Name & Title (printed): _____

**Exhibit L (Form A)
SUNY Maritime College**

**Affirmation with Respect to
State Finance Law §§139-j and 139-k**

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.

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

Procurement Description / ID number: _____

Company Name: _____

Address: _____

Signature: _____

Name (printed): _____

Title: _____

Date: _____