

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
LOCAL DEVELOPMENT CORPORATION

Resolution No. 12-01-01

January 26, 2012

**ADOPTION OF PROCUREMENT LOBBYING LAW POLICY AND PROCEDURES**

**WHEREAS**, the St. Lawrence County Industrial Development Agency Local Development Corporation (the "Corporation") has put into place written procedures to comply with State Finance Law §139-j and §139-k relative to anyone who may contact the Corporation regarding a Corporation procurement,

**NOW, THEREFORE BE IT RESOLVED** the St. Lawrence County Industrial Development Agency Local Development Corporation hereby approves the attached "Procurement Lobbying Law Policy and Procedures."

Move:	Hall			
Second:	Blevins			
<b>VOTE</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Blevins	X			
Hall	X			
LaBaff	X			
McMahon	X			
Peck	X			
Staples	X			
Weekes	X			

I HEREBY CERTIFY that I have compared this copy of this Resolution with the original record in this office, and that the same is a correct transcript thereof and of the whole of said original record.

/s/

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Natalie A. Sweatland  
January 26, 2012

**ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY LOCAL DEVELOPMENT CORPORATION**  
**PROCUREMENT LOBBYING LAW POLICY AND PROCEDURES**  
**APPROVED JANUARY 26, 2012**

**Policy:**

It is the policy of the St. Lawrence County Industrial Development Agency Local Development Corporation (the "Corporation") to comply with State Finance Law §139-j and §139-k (Law) relative to anyone (the "Offerer") contacting the Corporation about a Corporation procurement.

**Applicability:**

The Law applies to procurement contracts that have an annual value in excess of \$15,000. The requirements of the Law commence at the earliest written notice, advertisement or solicitation of request for proposals, invitations for bids, or solicitation of proposals, or any other method for soliciting a response from an Offerer intending to result in a procurement contract and end with the final contract award.

**Procedure:**

Pursuant to State Finance Law §139-j and §139-k, the Corporation shall designate person(s) who are the only staff that can be contacted relative to a procurement and will record all "contacts" by an Offerer or its representative regarding the procurement.

A "contact" is any communication with the Corporation under circumstances where a reasonable person would infer that the communication was intended to influence the procurement. Information that must be recorded in the procurement record includes: the name, address, telephone number, place of principal employment and occupation of the person making contact; whether the person is retained or employed by the Offerer; and whether the contact is an attempt to influence a specific procurement.

An impermissible "contact" is any communication that meets the definition above, other than the exceptions cited below, by the Offerer, or its representative, with anyone other than the Corporation's designated contact(s) for such procurement. Any Corporation employee who becomes aware that an Offerer has violated the provisions of a permissible contact during a procurement must immediately notify the Corporation's Compliance Officer who shall investigate such incident.

The law recognizes specific communications and contacts that can go to other than the Designated Contacts, i.e. to Permissible Subject Matter Contacts. These communications and contacts include:

1. submission of written proposals;
2. submission of written questions to the designated contact when all written questions and responses are to be disseminated to all interested offerers;
3. written complaints by an Offerer to the Corporation General Counsel regarding the failure of Corporation staff to comply timely with the provisions of the Law;
4. participation in a bid conference or interviews;
5. negotiations subsequent to tentative award;
6. review and debriefings of procurement awards; and
7. communications during bid complaints, protests or appeals.

(These permissible contacts must also be recorded and included in the procurement record.)

Any Offerer that knowingly and willfully violates the restrictions to permissible contacts shall be found non-responsible and shall not be awarded the procurement contract. Determinations of non-responsibility due to such violations shall be reported to the New York State Office of General Services (OGS). OGS shall maintain a list of Offerers determined to be non-responsible due to such violations. Any subsequent determination of non-responsibility within four (4) years of a previous determination of non-responsibility based upon an impermissible contact shall result in the Offerer being ineligible to submit a proposal or be awarded a procurement contract with any government entity, as defined in State Finance Law §139-j (1) (a), for a period of four (4) years from the second determination.

Prior to the award of a procurement contract, the Corporation must include in its responsibility review a determination of the Offerer's compliance with provisions of the Law including any disclosure from a previous violation of the Law within the previous four (4) years during any governmental procurement.

**Offerer's Affirmation of Understanding of and Agreement Pursuant to  
State Finance Law §139-j(3) and §139-j(6)(b)  
As provided to the St. Lawrence Co. Industrial Development Agency Local Development Corporation**

**Background:**

State Finance Law §139-j(6)(b) provides that:

*Every Governmental Entity shall seek written affirmations from all Offerers as to the Offerer's understanding of and agreement to comply with the Governmental Entity's procedures relating to permissible contacts during a Governmental Procurement pursuant to subdivision three of this section.*

A Governmental Entity must obtain the required affirmation of understanding and agreement to comply with procedures on procurement lobbying restrictions regarding permissible contacts in the restricted period for a procurement contract in accordance with State Finance Law §139-j and §139-k. It is recommended that this affirmation be obtained as early as possible in the procurement process, such as when the Offerer submits its proposal or bid.

**Instructions:**

A completed affirmation must accompany each Bid Form, Letter of Interest, or Proposal submitted by an offerer and will be required for any contract amendments over \$15,000. This document must also accompany each Emergency Contract Bid Form.

**Affirmation:**

Offerer affirms that it understands and agrees to comply with the procedures of the St. Lawrence County Industrial Development Agency Local Development Corporation relative to permissible contacts as required by State Finance Law §139-j(3) and §139-j(6)(b).

Signature of Offerer: \_\_\_\_\_

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

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

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

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

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

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

City/State/Zip: \_\_\_\_\_

Reference Number: \_\_\_\_\_

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

**Offerer's Disclosure of Prior Non-Responsibility Determinations**  
**State Finance Law §139-k(2)**  
**As provided to the St. Lawrence Co. Industrial Development Agency Local Development Corporation**

Name of Individual/Entity Seeking to Enter into Procurement Contract: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_

Name of Person Submitting this Disclosure: \_\_\_\_\_  
 Title of Person Submitting this Disclosure: \_\_\_\_\_  
 Contractor Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_

Contract Procurement Number: \_\_\_\_\_  
 Date: \_\_\_\_\_

1. Has any Governmental Entity made in the previous four years a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract?  Yes  No

**If you answered Yes to Question 1, complete Questions 2 through 4, where applicable:**

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j?  Yes  No

3. Was the basis for the finding of non-responsibility due to intentional provision of false or incomplete information to a Government Entity?  Yes  No

4. Provide details regarding the finding of non-responsibility below and attach additional pages as necessary:  
 Government Entity: \_\_\_\_\_  
 Date of Finding of Non-Responsibility: \_\_\_\_\_  
 Basis of Finding of Non-Responsibility: \_\_\_\_\_

5. Has any Government Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intention provision of false or incomplete information?  Yes  No

**If you answered Yes to Question 5, provide details below and attach additional pages as necessary:**  
 Government Entity: \_\_\_\_\_  
 Date of Termination or Withholding of Contract: \_\_\_\_\_  
 Basis of Termination or Withholding of Contract: \_\_\_\_\_

Offerer certifies that all information provided to the St. Lawrence County Industrial Development Agency Local Development Corporation with respect to State Finance Law §139-k is complete, true and accurate.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date