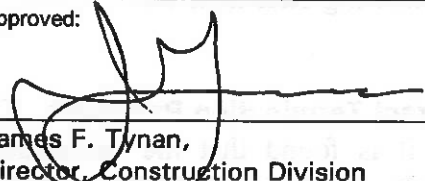


To: SUPERSEDED BY <u>EI 06-013</u> EFFECTIVE <u>9/7/06</u>		New York State Department of Transportation ENGINEERING INSTRUCTION	EI 06-001
Title: REVISIONS TO STANDARD SPECIFICATIONS - SECTION 100 - PHASE 5D - LOBBYING			
Distribution: ☐ Manufacturers (18) ☒ Local Govt. (31) ☒ Agencies (32) ☐ Surveyors (33) ☒ Consultants (34) ☒ Contractors (39) ☐ _____ ()		Approved:  James F. Tynan, Director, Construction Division Date <u>1-11-06</u>	

ADMINISTRATIVE INFORMATION:

- This Engineering Instruction (EI) is effective with projects submitted for the letting of May 4, 2006.
- This EI does not supersede any other issuances.
- The revisions issued with this EI will be incorporated into a future update of the Standard Specifications.

PURPOSE:

The purpose of this EI is to issue revisions to §102-08 and §102-17 to comply with new legislation contained in State Finance Law sections 139j & 139k, regarding procurement lobbying.

TECHNICAL INFORMATION:

- Policy and Guidance can be found on the Department's Web Site at:
<http://www.dot.state.ny.us/cmb/contractors.html>

IMPLEMENTATION:

- Main Office Design Quality Assurance Bureau will insert the standard specification shelf note into the contract proposal beginning with projects submitted for letting of May 4, 2006.
- Main Office Design Quality Assurance Bureau will process an amendment for all projects advertised for letting after January 1, 2006, (for the letting beginning February 9, 2006) that do not contain the shelf note.

TRANSMITTED MATERIALS:

Standard Specification Shelf Note "Revisions To Standard Specifications - Section 100 - Phase 5D - Lobbying".

BACKGROUND: In August 2005, major changes to the Legislative Law and the State Finance Law which regulate lobbying on procurement contracts were signed into law. The significant amendments included the creation of a new public body, the Advisory Council on Procurement Lobbying, to issue guidelines to assist governments in complying with the new law and to examine the effect of the new law. The new procurement lobbying restrictions are effective on January 1, 2006.

CONTACT: Direct questions regarding this issuance to Bill Ringwood of the Contract Management Bureau at 518-457-3583 or by e-mail at wringwood@dot.state.ny.us.

REVISIONS TO STANDARD SPECIFICATIONS SECTION 100 - PHASE 5D - LOBBYING

Make the following revisions to the Standard Specifications of January 2, 2002, as modified by EI 05-011:

Page 22 of 147 §102-08 *Standard Clauses for all New York State Contracts*
Add the following after Item 19:

"20. Contract Termination Provision. The State reserves the right to terminate this contract in the event it is found that the certification filed by the Contractor in accordance with the requirements contained in State Finance Laws §139j and §139k was intentionally false or intentionally incomplete. Upon such finding, the State may exercise its termination right by providing written notification to the Contractor in accordance with the written notification terms of the contract."

Page 49 of 147 §102-17 *Sample Form of Itemized Proposal/JURAT*
Add the following item to the list below

BY EXECUTING THIS PROPOSAL, THE CONTRACTOR AGREES TO:

"6. Contractor certifies that all information provided to the Department with respect to the requirements contained in State Finance Laws §139j and §139k is complete, true and accurate."