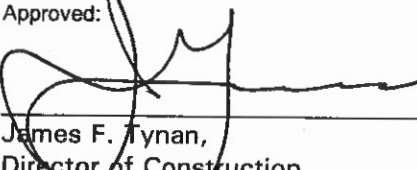


To: Superseded by EI 14-021 Effective 1/8/15		New York State Department of Transportation ENGINEERING INSTRUCTION	EI 06-013
Title: REVISIONS TO STANDARD SPECIFICATIONS - SECTION 100 - PHASE 5F - LOBBYING			
Distribution: ☐ Manufacturers (18) ☒ Local Govt. (31) ☒ Agencies (32) ☐ Surveyors (33) ☒ Consultants (34) ☒ Contractors (39) ☐ _____ ()		Approved:  James F. Tynan, Director of Construction Date <u>5-26-04</u>	

ADMINISTRATIVE INFORMATION:

- This Engineering Instruction (EI) is effective with projects submitted for the letting of September 7, 2006.
- This EI supersedes EI 06-001.
- 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 September 7, 2006.
- If necessary to satisfy Office of the State Comptroller implementation timeframes; Main Office Design Quality Assurance Bureau will insert the standard specification shelf note into the contract proposals for earlier lettings and / or process amendments for projects in accordance with Department policies and procedures.

TRANSMITTED MATERIALS:

Standard Specification Shelf Note "Revisions To Standard Specifications - Section 100 - Phase 5F - 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 5F- 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 affirms 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."

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

Page 49 of 147 §102-17 *Sample Form of Itemized Proposal/JURAT*
Insert the following page before page 49

CONTRACTOR MUST COMPLETE THE FORM BELOW

OFFERER DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No Yes

If yes, please answer questions 2-4. If no, skip to question 5.

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____

Date of Finding of Non-responsibility: _____

Basis of Finding of Non-Responsibility: _____

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the individual or entity seeking to enter into the Procurement Contract due to the intentional provision of false or incomplete information? (Please circle):

No Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)