

Model Form for Governmental Entity Report of Contact under State Finance Law §139-k(4)

Background:

New York State Finance Law §139-k(4) obligates every Governmental Entity during the Restricted Period of a Procurement Contract to make a written record of any Contacts made. The term “Contact” is defined by statute and refers to those oral, written or electronic communications that a reasonable person would infer are attempts to influence the Governmental Procurement. In addition to obtaining the required identifying information, the Governmental Entity must inquire and record whether the person or organization that made the Contact was the Offerer or was retained, employed or designated on behalf of the Offerer to appear before or Contact the Governmental Entity about the Governmental Procurement.

It should be noted that State Finance Law §139-k(6) provides:

[a]ny communications received by a governmental entity from members of the state legislature, or legislative staffs, when acting in their official capacity, shall not be considered to be a “contact” within the meaning of this section and shall not be recorded by a governmental entity pursuant to this section.

Instructions:

This model form is for use by the Governmental Entity and may be used for each Procurement Contract governed by State Finance Law §139-k. All recorded Contacts shall be included in the procurement record for the Procurement Contract. This model form was designed to collect information about initial and subsequent Contacts on the specified Procurement Contract during the Restricted Period. However, a separate form must be completed for each person or organization that Contacts the Governmental Entity about each Procurement Contract. Additional information and guidance on the “restricted period” and permissible Contacts can be found in the guidelines issued by the Advisory Council on Procurement Lobbying, which can be found on the OGS website at <https://ogs.ny.gov/acpl/>.

It is recommended that Governmental Entities advise Offerers and those designated, employed or retained by Offerers of the intention to record the Contact. It is also recommended that information be provided to Offerers and others about the statutory Restricted Period, Designated Contacts and the Permissible Contacts.

While the model form includes a section where the nature of the Contact may be recorded, such information is not statutorily required to be reported. Where such information is recorded, the Governmental Entity may in its discretion conform its collection with its other procurement practices.

**Governmental Entity Record of Contact
Under State Finance Law §139-k(4)**

Was the person making the Contact informed that the Contact would be documented?

Yes

No

To: _____

Procurement Record Regarding _____

Procurement Contract Number _____

From: _____

(Name and title)

Name of Governmental Entity: _____

Date: _____

Subject: Record of Contact under State Finance Law §139-k(4)

I had Contact with the below named individual regarding the above-identified procurement. The term "Contact" is defined in State Finance Law §139-k(1)(c). In accordance with State Finance Law §139-k(4), the following information was obtained.

Name: _____

Address: _____

Telephone Number: _____

Place of Principal Employment: _____

Occupation: _____

Is the above-named person or organization the "Offerer" in this Governmental Procurement?

(Please circle) Yes No

If no, was the above-named person or organization retained, employed or designated by the "Offerer" to:

- Appear before the governmental entity about the Governmental Procurement?

(Please circle) Yes No

- Contact the governmental entity about the Governmental Procurement?

(Please circle) Yes No

List date(s) of Contact: _____

(Add additional pages as necessary.)

Optional

Summarize the form (e.g., email, letter, conversation) and topic of the communication on each date of

Contact: _____

(Add additional pages or copies of written communications as necessary.)