

Model Summary Policy Language for Inclusion in Solicitation

Background:

State Finance Law §139-j(6) requires that a Governmental Entity incorporate a summary of its policy and prohibitions regarding permissible Contacts during a covered procurement into its solicitation of proposals or bid documents or specifications for all Procurement Contracts. The following model language may be customized for inclusion in a solicitation.

Instructions:

In addition to attaching a copy of relevant rules and regulations and guidelines and procedures, a Governmental Entity must include a summary of its policy and prohibitions regarding permissible Contacts during a covered procurement in its proposals, bid documents or specifications for all Procurement Contracts. Such language should be incorporated into the relevant documents.

Pursuant to State Finance Law §§139-j and 139-k, this solicitation [**or use identifier that is pertinent such as “Invitation for Bid” or “Request for Proposal”, etc.**] includes and imposes certain restrictions on communications between a Governmental Entity and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest posting, on a Governmental Entity’s website, in a newspaper of general circulation, or in the procurement opportunities newsletter in accordance with article four-C of the economic development law of written notice, advertisement or solicitation of a request for proposal, invitation for bids, or solicitation of proposals, or any other method provided for by law or regulation for soliciting a response from Offerers intending to result in a Procurement Contract with a Governmental Entity through final award and approval of the Procurement Contract by the Governmental Entity and, if applicable, the Office of the State Comptroller (“Restricted Period”) [**conform for pertinent government entity**] to other than the Designated Contacts for the Governmental Procurement unless it is a Contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). The Designated Contact(s) for this Governmental Procurement, as of the date hereof, are identified on the first page of this solicitation [**or conform to whatever location is used to identify Designated Contacts**]. Governmental Entity employees [**conform for pertinent government entity**] are also required to obtain certain information when Contacted during the Restricted Period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4-year period, the Offerer/bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found [**conform for how will provide copies of the rules, regulations, guidelines or procedures**].