

Model Form to Refer a Contact for Review and Investigation Under State Finance Law §139-j(9)

Background:

The State Finance Law requires certain Governmental Entities to make a determination of responsibility before awarding a Procurement Contract. The determination must be based on traditional responsibility factors such as financial and organizational capacity, legal authority, integrity, and past performance. The provisions of the Procurement Lobbying Law additionally require Governmental Entities to consider in responsibility determinations any violations of the permissible Contact requirements of State Finance Law §139-j and the disclosure requirements of State Finance Law §139-k. There must be a determination of non-responsibility if it is found that the Offerer knowingly and willfully made an impermissible Contact or failed to timely disclose accurate and complete information or otherwise cooperate in providing the information required by State Finance Law §139-k.

Model Form 8 can be used to formalize the information provided to the Governmental Entity official that conducts the review and investigation regarding a possibly impermissible Contact. Model Form 8 is designed to be used in conjunction with Form 1, *Model Form for Governmental Entity Report of Contact under State Finance Law §139-k(4)*.

Instructions:

If a staff member receives a Contact that appears to be “impermissible” during the Restricted Period, such staff is obligated to refer such Contact for review and investigation in accordance with the Governmental Entity’s process. Form 8 can be used to supplement Form 1 with an additional page of information detailing the content of the impermissible Contact. The supplement page may be in any form designated by the agency and should, at a minimum, include the staff member’s name, the Offerer’s name, and a synopsis of the comments received.

**Model Form to Refer a Contact for Review and Investigation
under State Finance Law §139-j(9)**

To: [reference responsible individual at Governmental Entity]

By: _____
Name and Title

Telephone Number

Date: _____

This Contact is being referred for further review and investigation in accordance with the process required under State Finance Law §139-j(9) for a determination whether this Offerer can be found responsible for purposes of contract award.

Offerer: _____
Name of Person who made the Contact being referred

Name of Business

Date of Contact

Description/Reference Information on Governmental Procurement

Is this a Governmental Procurement undertaken by another Governmental Entity?

Yes No

If yes, please list the procuring Governmental Entity: _____

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|--|--|

Description of Contact: _____

(Add additional information as necessary.)

A copy of the Record of Contact is attached.