



ANDREW M. CUOMO
Governor

Homes and Community Renewal

RUTHANNE VISNAUSKAS
Commissioner/CEO

LOBBYING PROCURMENT LAW (“LPL”) POLICY REQUIREMENTS

All Offerers¹ are required to make a statement in the format prescribed in *Lobbying Procurement Law FORM 1* ([Click here to download a copy of the FORM](#)), attached hereto, affirming that they understand and will abide by the New York State Finance Law related to whom may be contacted during the Restricted Period of any Agency Procurement process. Pursuant to State Finance Law §§139-j and 139-k² and Article II of the Agencies’ Lobbying Policies³, this Procurement process includes and imposes certain restrictions on communications between the Agency(ies) and an Offerer/proposer during the Procurement process. From the initial solicitation of services through the final award and approval of the Procurement Contract(s) (the “Restricted Period”), an Offerer/proposer is restricted from making Contacts⁴ to anyone other than **Designated Contact Officer⁵, Alejandro J. Valella, Vice President and Deputy Counsel**, unless such communication is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). These Permissible Subject Matter Communications are described in the Agencies’ Lobbying Policies.

¹ “Offerer” shall mean, for purposes of applying the Lobbying Procurement Law in relation to any Agency Procurement with actual or anticipated annualized expenditures in excess of \$15,000, an individual or entity, or any employee, agent or consultant or person acting on behalf of such individual or entity, that contacts a Governmental Entity about a Governmental Procurement during the Restricted Period of such Governmental Procurement.

² Please refer to the following link in the New York State Office of General Services web site:
<https://online.ogs.ny.gov/legal/lobbyinglawfaq/default.aspx>

³ Please refer to the following link on the Agencies’ web site to view the Agencies’ Lobbying Policies:
https://hcr.ny.gov/system/files/documents/2019/06/COMBINED%20LOBBYING%20POLICIES%20OF%20Agencies_Dec-2013_FINAL.pdf

⁴ “LPL Contact” shall mean, for purposes of applying the Lobbying Procurement Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, any oral, written or electronic communication during the Restricted Period from a Contractor or Vendor, or their representatives, with any Agency, under circumstances where a reasonable person would infer that the communication was intended to influence any Agency’s conduct or decision regarding an Agency Governmental Procurement.

⁵ “Designated Contact Officer” shall mean, for purposes of applying the Lobbying Procurement Law in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the person(s) the Agency(ies) appoint to such position, in accordance with the provisions of the Lobbying Procurement Law, who may be the recipient of Designated Contacts, i.e., Contacts made between an Offerer and the Agency’s Designated Contact Officer.

Employees of the Agency(ies) are also required to obtain certain information when a LPL Contact is received from an Offerer/proposer during the Restricted Period and to make a Determination of Responsibility⁶ of the Offerer/proposer pursuant to State Finance Law §§139-j and 139-k. Certain findings of non-responsibility can result in rejection of a Contract award, and in the event of two findings within a four year period, the Offerer/proposer is debarred from obtaining governmental Contracts for a four year period. This solicitation of services requires Offerers to disclose prior findings of non-responsibility to the Agency(ies) in the format prescribed in *Lobbying Procurement Law FORM 2*, ([Click here to download a copy of the FORM](#)). Further information about these requirements is found in the Agencies' Lobbying Policies.

MISCELLANEOUS

Completed FORMS must be submitted to the Agencies' Vice President, Contracts and Administration, **Lisa G. Pagnozzi** at Lisa.Pagnozzi@nyshcr.org.

⁶ "Determination of Responsibility" shall mean, in relation to any Agency Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, a final determination required to be made by the Agency(ies) of the proposed Contractor or Vendor to whom the Contract is to be awarded in accordance with Public Authorities Law Section 2879 (3) (b) (iii). For Determinations of Responsibility hereunder, the Lobbying Law requires that proposed Contractors and Vendors disclose findings of non-responsibility against them within the previous four years by any other governmental agency.