

**NEW YORK STATE OFFICE OF MENTAL HEALTH
Attachment J**

Summary of OMH Procurement Lobbying Guidelines

OMH has issued Guidelines pursuant to the New York State Finance Law Sections 139-j and 139-k, which prohibit lobbying on procurement contracts. For purposes of the law, procurement contracts include most contracts/Purchase Orders with an estimated annual expenditure in excess of \$15,000 per year, as well as amendments and modifications to such contracts which were not contemplated by the original contract and represent a material change in the scope of the contract.

The law provides that, during the Restricted Period of an agency procurement for goods or services, vendors (or offerers) may only contact the agency's designated contact person(s), and all contacts, whether permissible or impermissible, shall be recorded:

Vendor Requirements

- Must limit communications with OMH during the Restricted Period of each procurement to the OMH-designated point(s) of contact
 - The Restricted Period is the period from the date of the earliest method by which an agency solicits a response from vendors to a contract opportunity until the date the contract is awarded and, if applicable, approved by the Comptroller's Office.
- Must affirm in writing vendor's understanding of and agreement to comply with the OMH Procurement Guidelines
- Must certify whether vendor has been found non-responsible within the previous four years by any Governmental Entity for failure to comply with State Finance Law 139-k or for the intentional provision of false or incomplete information regarding its procurement lobbying law compliance.

OMH Requirements

- Must include a summary of OMH's procurement lobbying guidelines in each initial solicitation document
- Must designate a single point or points of contact for each procurement
- Must require OMH staff to record all Contacts from offerers during the Restricted Period of each procurement
 - A Contact is any communication with OMH under circumstances where a reasonable person would infer that the communication was intended to influence the procurement
- Must refer all impermissible Contacts for investigation by OMH
- Must make a responsibility determination with regard to State Finance Law Section 139-j and 139-k compliance prior to award of the contract
- Must include a provision in all procurement contracts which allows OMH to terminate the contract if the vendor's certification is found to be intentionally false or intentionally complete.

An electronic copy of the complete OMH Procurement Lobbying Law Guidelines is located at:
<http://www.omh.state.ny.us/omhweb/procurementguidelines/>