

## **New York State Legislative Law**

§ 1-t. Advisory council on procurement lobbying. (a) There is hereby established an advisory council on procurement lobbying. The council shall be composed of eleven members as follows:

(1) The commissioner of the office of general services, or his or her designee, who shall be chair;

(2) The commissioner of the state department of transportation, or his or her designee;

(3) The director of the division of the budget, or his or her designee;

(4) Three members appointed by the governor as follows: (i) one member shall be representative of public authorities or public benefit corporations, (ii) one member shall be a representative of local governments, and (iii) one member shall be a representative of the contracting community;

(5) One member appointed by the temporary president of the senate;

(6) One member appointed by the speaker of the assembly;

(7) One member appointed by the chief judge of the court of appeals;

(8) The state comptroller, or his or her designee;

(9) One member appointed by the mayor of the city of New York.

(b) The members of the council shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

(c) The council shall provide advice to the commission with respect to the implementation of the provisions of this article as such provisions pertain to procurement lobbying.

(d) The council shall annually report to the legislature any problems in the implementation of the provisions of this article as such provisions pertain to procurement lobbying. The council shall include in the report any recommended changes to increase the effectiveness of that implementation.

(e) The council may, pursuant to section one hundred thirty-nine-j of the state finance law, establish model guidelines for:

(1) Contacts during the restricted period between designated staff of a state agency, either house of the state legislature, the unified court system, or a municipal agency, as that term is defined in paragraph (ii) of subdivision (s) of section one-c of this article, involved in governmental procurements and officers or employees of offerers, or officers or employees of subcontractors of offerers, who are charged with the performance of functions relating to contracts and who are qualified by education, training or experience to provide technical services to explain, clarify or demonstrate the qualities, characteristics or advantages of an article of procurement. Such authorized

contacts shall: (i) be limited to providing information to staff of a state agency, either house of the state legislature, the unified court system, or a municipal agency, as that term is defined in paragraph (ii) of subdivision (s) of section one-c of this article, to assist them in understanding and assessing the qualities, characteristics or anticipated performance of an article of procurement,

(ii) Not include any recommendations or advocate any contract provisions, and (iii) occur only at such times and in such manner as authorized under the procuring entity's solicitation or guidelines and procedures. For the purposes of this paragraph, the term "technical services" shall be limited to analysis directly applying any accounting, engineering, scientific, or other similar technical disciplines; (2) contacts between offerers and public officials and officers or employees of the unified court system during the preparation of specifications, bid documents or request for proposals, invitation for bids, or any other method for soliciting a response from offerers for a procurement contract prior to the restricted period.

(f) The council shall: (1) by December thirty-first, two thousand five submit a preliminary report to the governor and legislature on potential implementation issues arising out of the procurement lobbying provisions as set forth in this article that were added by a chapter of the laws of two thousand five that added this section that are to take effect on January first, two thousand six, and (2) by October thirtieth, two thousand seven, submit a report to the governor and legislature on the effects of the procurement lobbying provisions as set forth in this article including but not limited to any changes in the number and nature of offerers after January first, two thousand six.