

CARTHAGE INDUSTRIAL DEVELOPMENT CORPORATION

PROCUREMENT LOBBYING LAW POLICY & PROCEDURES

SECTION 1.0 POLICY

It is the policy of the Carthage Industrial Development Corporation (Corporation) to comply with and seek compliance with State Finance Law § 139-j and § 139-k (Law) relative to anyone (Offerer) contacting the Corporation about a Corporation procurement.

SECTION 2.0 APPLICABILITY

The Law applies to procurement contracts that have an annual value in excess of \$15,000. The requirements of the Law commence at the earliest written notice, advertisement or solicitation of request for proposals, invitation for bids, or solicitation of proposals, or any other method for soliciting a response from Offerers intending to result in a procurement contract and end with the final contract award.

SECTION 3.0 PROCEDURES

Pursuant to State Finance Law § 139-j and § 139-k, the Corporation will designate person(s) who are the only individuals that can be contacted relative to a procurement and will record all "contacts" by an Offerer or its representative regarding the procurement.

A "contact" is any communication with the Corporation under circumstances where a reasonable person would infer that the communication was intended to influence the procurement. Information that must be recorded in the procurement record includes: the name, address, telephone number, place of principal employment and occupation of the person making contact; whether the person is retained or employed by the Offerer; and whether the contact is an attempt to influence a specific procurement.

An impermissible "contact" is any communication that meets the definition above, other than the exceptions cited below, by the Offerer, or its representative, with anyone other than the Corporation's designated contact(s) for such procurement. Any Corporation Board Member who becomes aware that an Offerer has violated the provisions of a permissible contact during a procurement must immediately notify the Corporation's Compliance Officer who shall investigate such incident.

The law recognizes specific communications and contacts that can go to other than the Designated Contacts, i.e., to Permissible Subject Matter Contacts.

These communications and contacts include:

1. submission of written proposals;
2. submission of written questions to the designated contact when all written questions and responses are to be disseminated to all interested offerers;
3. written complaints by an Offerer to the Corporations General Counsel regarding the failure of Coporation to comply timely with the provisions of the Law;

4. participation in a bid conference or interviews;
5. negotiations subsequent to tentative award;
6. review and debriefings of procurement awards; and
7. communications during bid complaints, protests or appeals.

The Procurement Advisory Council established in conjunction with the Law has advised that these permissible contacts must also be recorded and included in the procurement record.

Any Offerer that knowingly and willfully violates the restrictions to permissible contacts shall be found non-responsible and shall not be awarded the procurement contract. Determinations of non-responsibility due to such violations shall be reported to the NYS Office of General Services (OGS). OGS shall maintain a list of Offerers determined to be non-responsible due to such violations. Any subsequent determination of non-responsibility within four (4) years of a previous determination of non-responsibility based upon an impermissible contact shall result in the Offerer being ineligible to submit a proposal or be awarded a procurement contract with any governmental entity, as defined in State Finance Law § 139-j (1) (a), for a period of four (4) years from the second determination.

Prior to the award of a procurement contract, the Corporation must include in its responsibility review a determination of the Offerer's compliance with provisions of the Law including any disclosure of a previous violation of the Law within the previous four (4) years during any governmental procurement.

Adoption Date: _____; Resolution _____

CARTHAGE INDUSTRIAL DEVELOPMENT CORPORATION
CERTIFICATION PURSUANT TO EXECUTIVE ORDER NO. 127

The following persons or organizations are or will be retained, employed or designated on behalf of the Bidder to attempt to influence this procurement process, involving an interest in the CIDC'S real property, with their financial interest noted:

(If no people are or will be retained, employed or designated on behalf of the Bidder as described above, then check this box and sign the form below.

Name, Address and Phone Number	Place of Principal Employment	Occupation	Financial Interest (Yes or No)
1)			
2)			
3)			
4)			
5)			
6)			

The Bidder shall notify the CIDC in advance of making any additions to this list. The Bidder has not, within the past five (5) years, received a finding of non-responsibility by any State agency due to intentionally providing false or incomplete information with respect to Executive Order No. 127.

Certification. The Bidder certifies that all information provided under Executive Order No. 127 is complete, true and accurate.

Company Name: _____

Authorized Signature: _____

Title: _____

CARTHAGE INDUSTRIAL DEVELOPMENT CORPORATION

NON-COLLUSIVE BIDDING CERTIFICATE

- (a) By submission of this Bid, each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a joint Bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his knowledge and belief:
1. The prices in this Bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;
 2. Unless otherwise required by law, the prices which have been quoted in this Bid have not been knowingly, disclosed by the Bidder and will not knowingly be disclosed by the Bidder prior to opening, directly or indirectly, to any other Bidder or to any competitor; and
 3. No attempt has been made or will be made by the Bidder to induce any other person, partnership or corporation to submit or not to submit a Bid for the purpose of restricting competition.
- (b) A Bid shall not be considered for award nor shall any award be made where (a) 1., 2., and 3., above have not been complied with; provided, however, that if in any case the Bidder cannot make the foregoing certification, the Bidder shall so state and shall furnish with the Bid a signed statement which sets forth in detail the reasons therefore. Where (a) 1., 2., and 3., above have not been complied with the Bid shall not be considered for award nor shall any award to be made unless the board of directors, President of the Board, or his designee determines that such disclosure was not made for the purpose of restricting competition.
- (c) The fact that a Bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being Bid, does not constitute, without more, a disclosure within the meaning of paragraph (a) of this certification.
- (d) Any Bid hereafter made to the CIDC by a Bidder for work or services performed or to be performed or goods sold or to be sold, where competitive Bid is required by statute, rule, regulation, or policy, and where such Bid contains the certification referred to in subdivision one of the section, shall be deemed to have been authorized by the board of directors of the Bidder, and such authorization shall be deemed to include the signing and submission of the Bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation, company, or other entity of the Bidder.

Company Name: _____

Authorized Signature: _____

Print Name and Title: _____