

APPENDIX J

**BIDDER/CONTRACTOR COMPLIANCE WITH
STATE FINANCE LAW §§ 139-J AND 139-K
PROVIDING FOR CERTAIN PROCUREMENT
DISCLOSURES**

I. Disclosure of Persons or Organizations

The New York Power Authority has updated its practices to be consistent with newly enacted New York State Finance Law §§ 139-j and 139-k providing for increased disclosure in the public procurement process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions.

The Authority has determined that this bid document, and any resulting contract, shall be subject to the provisions of the State Finance Law.

The State Finance Law requires the Authority to obtain identifying information on every individual or entity, or any employee, agent or consultant or person acting on behalf of such individual or entity that contacts the Authority where a reasonable person would infer that the communication was intended to influence the Authority procurement during the Restricted Period. The “Restricted Period” refers to the period of time commencing with the earliest written notice, advertisement or solicitation of a request for proposal, invitation for bids, or solicitation of proposals, or any other method for soliciting a response from bidders intending to result in a procurement contract and ending with the final contract award. The Authority is also obligated to collect information on whether such person or organization has a financial interest in the procurement.

Thereafter, the State Finance Law also requires the Authority to obtain such identifying information on every person or organization subsequently retained, employed or designated by or on behalf of the contractor to attempt to influence the procurement process. A covered agency or authority shall ensure that a contractor informs such agency or authority of persons or organizations subsequently retained, employed or designated by or on behalf of the contractor before the agency or authority is contacted.

In order to comply with these requirements, the bidder/contractor shall provide the Authority, as part of its proposal, with the names, addresses and other pertinent information as shown on the attached Form “J-1”, of all employees, outside firms, or other entities retained, employed, or designated by or on behalf of the contractor to attempt to influence the procurement process including, but not limited to, negotiation of any contract arising from the bid solicitation.

II. Bidder/Contractor Disclosure of Prior Non-Responsibility Determinations

The State Finance Law requires the Authority to make a determination of responsibility of the proposed awardee for a procurement contract. It also mandates consideration of whether a contractor has intentionally provided false or incomplete information under such provisions within the last five years, and whether a contractor has failed to timely disclose accurate and complete information or otherwise cooperate in the implementation of such provisions.

A failure to timely disclose such information shall be considered in the Authority's determination of responsibility of the bidder/contractor.

In order to assess this information, bidder/contractor shall complete the attached Form "J-2".

III. Bidder/Contractor Certification of Compliance

The State Finance Law requires that every procurement contract subject to its provisions contain a certification that all information provided to the Authority, as required by this Appendix J, is complete, true and accurate.

A procurement contract may be terminated upon a finding that an awardee intentionally provided false or incomplete information to the Authority as required by this Appendix J.

Bidder/Contractor shall complete the attached Form "J-3".

BIDDER/CONTRACTOR DISCLOSURE OF CONTACTS FORM

Procurement ID Number (RFP or Q No.): _____

Bidder/Contractor Name: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Person submitting this form:
Name: _____

Title: _____ Telephone No.: _____

(A) Bidder/Contractor Personnel *(Include company officers, sales or marketing personnel, engineers, lawyers, insurance specialists and other personnel)*

	Name	Location	Title	Telephone No.	Financial Interest in the Procurement?
1.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

BIDDER/CONTRACTOR DISCLOSURE OF CONTACTS FORM

Procurement ID Number (RFP or Q No.): _____

Bidder/Contractor Name: _____

Address: _____ City: _____ State: _____ Zip Code: _____

(B) Outside Person or Organization

	Name and Company	Address	Title	Telephone No.	Financial Interest in the Procurement?
1.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.	_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Contractor Disclosure of Prior Non-Responsibility Determinations

Bidder/Contractor Name: _____

Address: _____ **City:** _____ **State:** _____ **Zip Code:** _____

Person submitting this form:

Name: _____

Title: _____ **Telephone No.:** _____

Has any covered agency or authority made a finding of non-responsibility regarding the Contractor in the last five years?

No Yes

If yes, was the basis for the finding of the Contractor's non-responsibility due to the intentional provision of false or incomplete information required by New York Power Authority or another state agency regarding certain procurement disclosures?

No Yes

Covered Agency or Authority: _____

Year of Finding on Non-Responsibility: _____

Basis of Finding of Non-Responsibility:

Contractor Certification of Compliance

Contractor certifies that all information provided to the Authority with respect to the Authority's updated procedures, consistent with New York State Finance Law §§ 139-j and 139-k, providing for certain disclosures is complete, true and accurate. Contractor affirms that it understands and agrees to comply with the practices of the Authority relative to permissible contacts as required by New York State Finance Law §§ 139-j(3) and 139-j(6)(b).

Bid/Contract Number _____

CONTRACTOR CERTIFICATION:

I certify that all information provided to the Authority with respect to the Authority's practices providing for certain disclosures is complete, true and accurate.

By (signature:) _____ Date: _____

Name (printed or typed:) _____

Title: _____

Contractor: _____

Address: _____

City: _____ State: _____ Zip Code: _____