



New York State Police
New York State Finance Law §139-j

New York State Finance Law § 139-j restricts vendors from contacting the New York State Police during the procurement process “restricted period.” The “restricted period” is the period of time commencing with the public advertising or dissemination of a solicitation through the date that the resulting purchase order or contract is approved by the New York State Office of the State Comptroller.

The law exempts the following permissible contacts:

1. The submission of written proposals in response to an Invitation for Bids, Request for Quotation, or Request for Proposals.
2. The submission of written questions as described in the “Inquiries” clause of the documents named above in number 1 (if applicable).
3. Participation in a bid conference conducted by the New York State Police (if applicable).
4. Written complaints by a vendor to the New York State Police Administrative Director that written inquires submitted in accordance with the “Inquiries” clause in the documents named above in number 1 (if applicable) were not answered and disseminated to all vendors on the bid list in a timely manner before the proposal due date. The New York State Police Administrative Director can be reached at New York State Police, Bldg. 22, 1220 Washington Ave., Albany, NY 12226-2252, email address Richard.Smith@troopers.ny.gov
5. Negotiations after the proposal due date between the successful bidder and the New York State Police for the purpose of generating a contract or purchase order.
6. Contacts by vendors after the proposal due date to request the review of a contract award.
7. Contacts by vendors in protests, appeals, or other review proceedings before the New York State Police seeking a final administrative determination, or in a subsequent judicial proceeding; or complaints of alleged improper conduct in a procurement to the Attorney General, Inspector General, District Attorney or court of competent jurisdiction; or written protests, appeals or complaints to the State Comptroller’s Office during the contract approval process, and where such communications and responses thereto are made in writing and shall be entered in the procurement record; or complaints of alleged improper conduct in this procurement conducted by a municipal agency or local legislative body to the State Comptroller’s Office, provided, however, that nothing in the subdivision shall be construed as recognizing or creating any new rights, duties or responsibilities or abrogating existing rights, duties or responsibilities of any governmental entity as it pertains to implementation and enforcement of article eleven of the State Finance Law or any other provision of law dealing with the governmental procurement process.

Vendors shall not attempt to influence this procurement in a manner that would result in a violation or an attempted violation of subdivision five of §73 or §74 of the Public Officers Law, or of other applicable ethics code provisions that are equivalent to subdivision five of §73 or §74 of the Public Officers Law where the public officials that are involved in this procurement are not subject to subdivision five of §73 or §74 of the Public Officers Law.

Violations of the law shall include any contacts during the restricted period of this procurement between the vendor and any member, officer, or employee of the New York State Police other than the designated contact and any governmental entity other than the New York State Police; provided, however, that nothing in the law shall be deemed to prohibit a vendor from communicating with a member of the State Legislature or legislative staff about this procurement, or a member of the State Legislature or legislative staff contacting the New York State Police about this procurement, provided that the member of the State Legislature or legislative staff is acting in his/her official capacity.

New York State Police Procedures for Violations of State Finance Law §139-j

1. If a vendor violates the provisions of § 139-j of the State Finance Law regarding permissible contacts during the restricted period, the New York State Police Administrative Director will be immediately notified. The Administrative Director will promptly review or investigate any allegations of violations with regard to permissible contacts for this procurement.
2. If sufficient cause exists to believe that such allegation is true, the Administrative Director shall give the vendor reasonable notice that an investigation is ongoing and that he/she will be given an opportunity to be heard in response to the allegation on a date and time agreed upon by both parties.
3. A finding that a vendor has knowingly and willfully violated the provisions of the law shall result in a determination of non-responsibility for such vendor, and the vendor and its subsidiaries, and any related or successor entity with substantially similar function, management, board of directors, officers, and shareholders, shall not be awarded the contract or purchase order unless the New York State Police determines that the award is necessary to protect public property, health, or safety, and that the vendor is the only source capable of fulfilling the contract or purchase order within the necessary timeframe.
4. Any subsequent determination of non-responsibility by any governmental entity due to violation of the law within four years of a determination of non-responsibility due to a violation regarding this procurement shall result in the vendor being rendered ineligible to submit a proposal or be awarded a contract for a period of four years from the date of the second final determination.

Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)

Offerer affirms that it understands and agrees to comply with the procedures of the New York State Police relative to permissible Contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: _____
(Signature Required)

Date: _____

Name: _____

Title: _____

Contractor Name: _____

Contractor Address: _____

**New York State Finance Law §139-k
Disclosure of Findings of Non-Responsibility**

New York State Finance Law § 139-k obligates the New York State Police to require vendors bidding on this procurement to disclose findings of non-responsibility made within the previous four years by any governmental entity where such prior finding of non-responsibility was due to:

1. A violation of State Finance Law §139-j or
2. The intentional provision of false or incomplete information to a governmental entity.

New York State Police Procedures for Violations of State Finance Law §139-k

1. If a vendor violates the provisions of § 139-k of the State Finance Law regarding the failure to timely disclose accurate or complete information to a governmental entity, the New York State Police Administrative Director will be immediately notified.
2. A finding that a vendor has knowingly and willfully violated the provisions of the law shall result in a determination of non-responsibility for such vendor, and the vendor and its subsidiaries, and any related or successor entity with substantially similar function, management, board of directors, officers, and shareholders, shall not be awarded the contract or purchase order unless the New York State Police determines that the award is necessary to protect public property, health, or safety, and that the vendor is the only source capable of fulfilling the contract or purchase order within the necessary timeframe.

New York State Finance Law §139-k Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

Address:

Name and Title of Person Submitting this Form:

Contract Procurement Number:

Date:

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years?
 No Yes (If yes, please answer the next question)

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j?
 No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity?
 No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity:

Date of Finding of Non-responsibility:

Basis of Finding of Non-Responsibility:

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information?

No Yes

6. If yes, please provide details below.

Government Entity: _____

Date of Termination or Withholding of Contract:

Basis of Termination or Withholding:

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____
(Signature)

Date: _____

Name: _____

Title: _____

The New York State Police reserves the right to terminate this contract in the event it is found that the certification filed by the Offerer in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, the State Police may exercise its termination right by providing written notification to the Offerer in accordance with the terms of the contract.