

**PROCUREMENT LOBBYING LAW (PLL)
FREQUENTLY ASKED QUESTIONS (FAQs)
INDEXs**

(A)

Application

Activation	FAQ 4.13 & 4.14
Advertising Materials	FAQ 4.14A
Aggregate Purchases	<i>See Contracts: Aggregate Purchases</i>
Business Community	FAQ 5.2
Centralized Contracts	FAQ 4.15, 4.16 & 4.25
Comprehensive Service Agreement (CSA).....	FAQ 4.17
Eminent Domain	FAQ 4.3 & 4.18
Exceptions/Exemptions	<i>See Exemptions</i> FAQ 4.18
Financial Interest	FAQ 4.14E
Individuals and Entities	FAQ 3.1
Industrial Development Agency	FAQ 3.1 & 3.5
Intra-Agency Communication	FAQ 4.14(B)
Mini-Bid	FAQ 4.16
Overview	FAQ 1.1
Purchase Order	FAQ 4.15
Request for Information (RFI)	FAQ 4.14(C)
Revenue Contracts	FAQ 4.19
Real Estate/Real Property	FAQ 4.4, 4.5 & 4.6
Service Contracts	FAQ 4.1
Threshold/Value	<i>See Threshold/Value</i>
Transactions	FAQ 4.1 & 4.18
Who is Covered	FAQ 3.1

Advisory Council on Procurement Lobbying (ACPL Prelim. Report 2006 – p3);
(ACPL Supplemental Prelim. Report: May 4, 2006 – p6); (ACPL Annual Report 2006 – p5);
(ACPL Report October 30, 2007 – p6); (ACPL Annual Report 2007 – p7) [FAQ 1.1](#) & [13.1](#)

Amendments [FAQ 4.12](#) & [4.28](#)

Annualized Expenditures (ACPL Supplemental Prelim. Report: May 4, 2006 – p6)
[FAQ 4.2, 4.3, 4.22, 4.23, 4.24](#) & [14.12](#)

Attempt to Influence (*See also Contacts*)

Definition	FAQ 8.10
In General	FAQ 4.14E

(B)

Backdrop Contracts	FAQ 4.15 & 4.29
Bid Submission	FAQ 4.9
Boards	FAQ 3.1
Bond Sales/Transactions	FAQ 4.31
Bureaus	FAQ 3.1

(C)

Centralized Contracts

Activation of the Procurement Lobbying Law	FAQ 4.15, 4.16 & 4.25
Additional Purchases	FAQ 4.25
Aggregate Purchases	FAQ 4.27
Backdrop Contracts	FAQ 4.15 & 4.29
Comprehensive Service Agreements	FAQ 4.17
Mini-Bid Process	FAQ 4.15 & 4.16
Purchase Orders	FAQ 4.15

Commissions	FAQ 3.1
--------------------------	-------------------------

Committees	FAQ 3.1
-------------------------	-------------------------

Commodities	FAQ 4.1
--------------------------	-------------------------

Communications

Between Governmental Entities	FAQ 14.13
Congress	FAQ 10.3
Governmental Entity Issuance	FAQ 4.13
Intra-Agency Communication	<i>See Intra-Agency Communications</i>
NYC Council	FAQ 10.3
Offerers and their Representatives	FAQ 8.11
Permissible Subject Matter Communication	FAQ 7.10
Prior to the Restricted Period	FAQ 4.8
State Legislature Communications	FAQ 5.5
Scope	FAQ 4.14D

Unrelated to Procurement	<u>FAQ 8.9</u>
<i>See also Contacts</i>	
Complaints	<u>FAQ 4.9</u>
Compliance	
Development of Model Tools and Language to Facilitate Compliance	<u>FAQ 13.1</u>
Government Entity	<u>FAQ 3.1</u>
Lobbyists	<u>FAQ 5.6</u>
Scope/Who Must Comply	<u>FAQ 3.1</u> & <u>12.3</u>
Comprehensive Service Agreement (CSA)	<i>See Centralized Contracts: Comprehensive Service Agreement</i>
Concession	
Definition	<u>FAQ 4.19</u>
Conference	
Definition	<u>FAQ 8.7</u>
Scope	<u>FAQ 8.12</u>
Construction	<i>See Contracts: Construction Contracts</i>
Contacts	
Attorneys	<u>FAQ 8.11</u>
Communications That Do Not Qualify as Contacts	<u>FAQ 5.5</u>
Definition	<u>FAQ 7.1</u> , <u>7.3</u> , <u>8.10</u> , <u>11.1</u>
Congress	<u>FAQ 10.3</u>
NYC Council	<u>FAQ 10.3</u>
Impermissible Contacts:	
Definition	<u>FAQ 4.9</u>
Effect of	<u>FAQ 14.10</u>
Inclusion in the Procurement Record	<u>FAQ 4.9</u> , <u>8.5</u>
Penalty/Denial of Award	<u>FAQ 14.10</u>
Reasonable Person Standard	<u>FAQ 8.10</u>
Scope	<u>FAQ 7.10</u>
Inclusion into the Procurement Record	<u>FAQ 8.5</u>
Invitation for Bids (IFBs)	<i>See Invitation For Bids</i>
Legislative Contacts	<i>See Legislative Contacts &</i> <u>FAQ 5.5</u>
OGS as Contract Administrator	<u>FAQ 4.29</u>
Ordinary Communications	<u>FAQ 7.9</u>
Offerers	<u>FAQ 4.14(B)</u>
Permissible Contacts:	
Designated Contact	<u>FAQ 8.6</u>

Exceptions to Designated Contact	FAQ 4.9
Inclusion in the Procurement Record	FAQ 8.5
Legislative Contacts.....	FAQ 5.5 & 10.3
OGS as Contract Administrator	FAQ 4.29
Prior to Restricted Period	FAQ 4.8
Tentatively Awarded Contracts	FAQ 8.13
Types of Permissible Contacts.....	FAQ 4.9
Reasonable Person Standard	FAQ 7.3
Record of	FAQ 5.1 & 7.3
Request for Proposals (RFPs)	<i>See Request For Proposals</i>
Restricted Period	<i>See Restricted Period</i>
Subject Matter Communication	<i>See Subject Matter Communication</i>

Contracts

Aggregate Purchases	FAQ 4.22, 4.27
Amendments	FAQ 4.12, 4.28 & 14.12
Backdrop Contracts	<i>See Backdrop Contracts</i>
Centralized Contracts	FAQ 4.29
Construction	FAQ 4.7
Cumulative Value	FAQ 4.22
Excluded	FAQ 4.3
Mini-Bids	<i>See Mini-Bids</i>
Not-For-Profit	FAQ 4.18-B
Renewals	FAQ 14.12
Revenue Contracts	FAQ 4.19
Concession	FAQ 4.19
Franchise	FAQ 4.19
Sole/Single Source Contracts	FAQ 4.10 & 4.11
Supplements	FAQ 4.12
Tentatively Awarded Contracts	FAQ 8.13

Contractor [FAQ 5.6](#)

Cooperative Agreements [FAQ 3.6](#)

Councils [FAQ 3.1](#)

(D)

Debarment

Application	(ACPL Supplemental Prelim. Report: May 4, 2006 - p7) FAQ 9.3, 9.6, 9.7, 9.8, 9.10, 12.5, 12.6
Conducting Business with a Debarred Entity	FAQ 9.7
Effect	FAQ 9.9
List of Debarred Vendors	FAQ 9.4, 9.6, 9.9 & 9.10

Notification to OGS [FAQ 9.4 & 9.10](#)

List: http://www.ogs.ny.gov/aboutogs/regulations/SFL_139j-k/NonResponsible.htm

Debriefing [FAQ 4.9](#)

Departments [FAQ 3.1](#)

Designated Contacts [FAQ 7.2, 7.4, 7.5, 7.10, 8.6 & 8.12](#)

Divisions [FAQ 3.1](#)

(E)

End of Fiscal Year Purchases [FAQ 4.24](#)

Ethics [FAQ 5.7, 11.1 & 12.7](#)

Exemptions (ACPL Annual Report 2007 – p20)

Advertising Material [FAQ 4.14A](#)

Aggregate Purchases [FAQ 4.22 & 4.27](#)

Contract Amendments [FAQ 4.28](#)

Communications Concerning Potential Offerers [FAQ 14.13](#)

Eminent Domain Transactions [FAQ 4.3 & 4.18](#)

Factual Exchanges of Information [FAQ 8.14 & 14.14](#)

Force Accounts [FAQ 4.3 & 4.18\(E\)](#)

Grants [FAQ 4.3 & 4.18A](#)

Governmental Procurement *See Governmental Procurement*

Intergovernmental Agreements [FAQ 4.3, 4.18D & 4.26](#)

Interview Scheduling [FAQ 8.12](#)

Legislative Contacts *See Legislative Contacts*

Not-For-Profit Organizations *See Not-For-Profit Organizations*

Permissible Subject Matter Communication..... *See Permissible Subject Matter Communication*

Pre-Award Conference [FAQ 8.6](#)

Preferred Sources *See Preferred Sources*

Program Contracts between Not-For-Profits and the Unified Court System ... [FAQ 4.18C](#)

Subcontractors [FAQ 14.11](#)

Subject Matter Exemptions *See Subject Matter Communications*

Utility Relocation Project Agreements *See Utility Relocation Project Agreements*

(F)

Failure to Cooperate*See Responsibility Determination: Determination of Non-Responsibility: Failure to Cooperate in Providing the Information Required*

Failure to Provide Information..... [FAQ 12.9](#)

FAQs

Assistance*See Help*
Overview/Purpose [FAQ 1.1](#)

Foreign Governments.....*See Intergovernmental Agreements*

FORMS: <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/ModelLang.html>

(G)

Government Entity

Application of the Procurement Lobbying Law [FAQ 4.13](#)
 Disclosure [FAQ 5.3A](#)
 Overview [FAQ 5.1](#)
 Record of Contacts [FAQ 7.9](#)
 Record Keeping [FAQ 5.3\(B\)](#)
 Responsibility Determination [FAQ 5.3\(A\) & 5.3\(C\)](#)
Appointing Designated Contacts *See Designated Contacts*
Article of Procurement *See Article of Procurement*
Cities, Towns and Counties [FAQ 3.3](#)
Compliance *See Compliance*
Contacts During the Restrict Period *See Restricted Period*
Disciplining Employees [FAQ 14.7](#)
Definition [FAQ 3.1](#)
Ethics Review [FAQ 5.7](#)
Foreign Governments *See Exemptions: Intergovernmental Agreements*
Inquiries [FAQ 8.4](#)
School Districts *See Exemptions: Intergovernmental Agreements*
Scope [FAQ 3.1](#)

Governmental Procurement

Contract Amendments [FAQ 4.28](#)
Definition [FAQ 4.12, 4.21 & 4.28](#)

Grants [FAQ 4.3 & 4.18A](#)

(H)

Help [FAQ 2.1](#)

<http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/ModelLang.html>

(I)

Industrial Development Agency (IDA)

Application of the Procurement Lobbying Law [FAQ 3.5](#)

As a Government Entity/Compliance [FAQ 3.1](#)

Inspector General

In General/Role [FAQ 5.7](#)

Responsibility in Determining a Violation [FAQ 12.7](#)

Intergovernmental Agreement *See Exemptions*

Interview Scheduling

Exempt [FAQ 8.12](#)

Intra-Agency Communication [FAQ 4.14\(B\)](#)

Invitation for Bids (IFB) [FAQ 4.8](#)

Pre-Bid Conference *See Pre-Bid Conference*

Pre-Bid Conference/Pre-Award Activity [FAQ 8.8](#)

(J)

(K)

(L)

Legislative Contacts

Congress [FAQ 10.3](#)

Exemption [FAQ 10.3](#)

Legislative Staff [FAQ 5.5](#)

Limitations [FAQ 10.2](#)

Members of Congress [FAQ 10.3](#)

Members of State Legislature [FAQ 5.5](#)

NYC Council	FAQ 10.3
Record of Contacts	FAQ 10.3
Requirements	FAQ 10.1

Lobbyists	(ACPL Annual Report 2007 – p5)
Compliance	FAQ 5.6

(M)

Master Services Agreement	FAQ 4.30
--	--------------------------

Mini-Bids	FAQ 4.16 & 4.29
------------------------	---

Municipal Agency	FAQ 3.3
-------------------------------	-------------------------

(N)

New York State Commission on Public Integrity	FAQ 1.1 & 2.1
--	---

New York State (NYS) Senate and Assembly	FAQ 3.1
---	-------------------------

Not-For-Profit Organization	(ACPL Supplemental Prelim. Report: May 4, 2006 – p3)
Definition	FAQ 4.18B & 4.18C
In Transactions Exempt From the Procurement Lobbying Law	FAQ 4.18A
Program Contracts Between Not-For-Profits and the Unified Court System ...	FAQ 4.18C
Prompt Contracting Law	FAQ 4.3

(O)

Offerer	(ACPL Annual Report 2007 – p18)
Affirmation/Application	(ACPL Supplemental Prelim. Report: May 4, 2006 – p6); FAQ 5.4 & 14.11
Attorneys	FAQ 8.11
Communications Concerning Potential Offerers	FAQ 14.13
Contacts	FAQ 4.14(B)
Debarment	FAQ 9.5
Definition	FAQ 3.4 & 9.5
Determination of Non-Responsibility	FAQ 9.8
Disclosure	FAQ 5.3A

(P)

Permissible Subject Matter Communication	(ACPL Annual Report 2007 – p22)
Clarification	FAQ 8.4
Communications Concerning Potential Offerers	FAQ 14.13
Conference	<i>See Conference</i>
In General	FAQ 4.9 , 7.10 , 8.6 & 8.11
Interview Scheduling	FAQ 8.12
Not Related to Procurement	FAQ 8.9
Pre-Award Activity	FAQ 8.7 & 8.8
Pre-Bid Conference	FAQ 8.3 & 8.8
Preferred Sources	FAQ 3.7
Procurement Contracts	
Definition	FAQ 4.3 & 4.15
Exclusions	FAQ 4.3 & 4.18
Procurement Lobbying Law	<i>See Application</i>
Compliance	<i>See Compliance with the Procurement Lobbying Law</i>
Overview	FAQ 1.1
Procurement Record (<i>See also Record of Contacts</i>)	
Centralized Collection Point or Database	FAQ 14.9
Definition	FAQ 14.3
Record Retention	FAQ 5.1 , 5.3B , 7.6 , 7.7 , 7.9 , 8.5 , 8.14 & 14.4
Requirements	FAQ 7.6
Prompt Contracting (Law)	FAQ 4.3
Proposed Awardee	FAQ 12.10
Public Authorities (including any subsidiaries or affiliates)	
As a Government Entity/Compliance	FAQ 3.1
In Revenue Contracts	FAQ 4.19
Public Benefit Corporation (including any subsidiaries or affiliates)	
As a Government Entity/Compliance	FAQ 3.1
Public Work	FAQ 4.20

Purchase Order *See Centralized Contracts* [FAQ 4.15](#)

(Q)

(R)

Railroad and Utility Force Accounts *See Exemption: Force Accounts*

Real Property *See Application: Real Estate/Real Property*

Record of Contacts (*ACPL Supplemental Prelim. Report: May 4, 2006 – p2*)

- Accessible to the Public [FAQ 14.5](#)
- Attempts to Influence [FAQ 7.9](#)
- Duty to Maintain [FAQ 7.9](#)
- Freedom of Information Law [FAQ 14.2 & 14.5](#)
- Format [FAQ 14.1](#)
- Government Entity [FAQ 5.3B & 7.9](#)
- Information Required [FAQ 7.7](#)
- Interpretation of Contractual Terms [FAQ 4.29](#)
- Multiple Calls [FAQ 7.8](#)
- Permissible Contacts [FAQ 8.5](#)
- Scope [FAQ 7.9](#)

Renewals *See Contracts: Renewals*

Request for Information (RFI) [FAQ 4.14C](#)

Pre-Bid Conference *See Pre-Bid Conference*

Request for Proposals (RFPs)

- Contacts [FAQ 4.8](#)
- Pre-Bid Conference/Pre-Award Activity [FAQ 8.8](#)

Responsibility Determination (*ACPL Annual Report 2007 – p15*)

- Application [FAQ 8.11, 9.1 & 12.5](#)
- Debarment *See Debarment*
- Definition [FAQ 9.1](#)
- Determination**
 - Application [FAQ 9.8](#)
 - Best Practices/Further Guidance/Website [FAQ 9.2](#)
 - Debarment *See Debarment*
 - Effect of [FAQ 9.8 & 12.5](#)
 - Impermissible Contact [FAQ 9.1 & 9.2](#)

Procedure	FAQ 9.1 & 9.2
Repeat Violations	FAQ 9.6, 9.10 & 12.5
Overview of Required Determinations	FAQ 12.10
Role of Government Entities	FAQ 5.3C

List: http://www.ogs.ny.gov/aboutogs/regulations/SFL_139j-k/NonResponsible.htm

Restricted Period

Begins	FAQ 4.8 & 8.1
Contract Supplements	FAQ 4.9
Definition	FAQ 4.15
Ends	FAQ 8.2
Government Entities	FAQ 3.3 & 4.8
Inquiries by Government Entity	FAQ 8.4
Pre-Bid Conference	FAQ 8.3
Procurement Record – <i>See Procurement Record</i>	

(S)

School Districts *See Intergovernmental Agreements*

Senate *See Legislative Contacts*

Service Contracts [FAQ 4.1 & 4.17](#)
See also Application

Sole/Single Source Contracts *See Contracts: Sole/Single Source*

Solicitation

Definition	FAQ 4.15
Mini-Bid	<i>See Mini-Bid</i>

State Agency

Compliance as a Government Entity	FAQ 3.1
In Revenue Contracts	FAQ 4.19

Subcontract [FAQ 14.11](#)

(T)

Technology [FAQ 4.1](#)

Threshold/Value (ACPL Supplemental Prelim. Report: May 4, 2006 – p4); (ACPL Annual Report 2007 – p21) [FAQ 4.1](#), [4.2](#), [4.22](#) & [4.23](#)

Trigger *See Application*

(U)

Underwriting Services [FAQ 4.31](#)

Unified Court System [FAQ 3.1](#)
Exemption with Not-for-Profits [FAQ 4.18C](#)

Utility Force Accounts *See Exemptions: Force Accounts*

Utility Relocation Project Agreements [FAQ 4.18F](#)

(V)

Vendors *See Offerers*

Violations

Allegations [FAQ 12.2](#)
Debarment [FAQ 12.6](#)
Disciplining Employees *See Government Entity: Disciplining Employees*
Duty to Notify [FAQ 12.1](#)
Duty to Report [FAQ 12.4](#)
Investigation [FAQ 12.10](#)
Knowingly and Willingly [FAQ 12.7](#)
Mini-bid Process [FAQ 4.29](#)
Procedure [FAQ 12.7](#) & [12.8](#)
Penalties [FAQ 12.5](#), [12.9](#) & [14.9](#)
Review Process [FAQ 12.2](#), [12.7](#) & [12.8](#)

(W)

Written Disputes [FAQ 4.9](#)

Written Questions [FAQ 4.9](#)

(X)

(Y)

(Z)