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COMPLIANCE NOW



E-News from State and Federal Communications, Inc.

November 2009

It's Time to Promote the 'Good News' about Procurement Lobbying and Government Contracting

It seems every day you pick up a newspaper, or listen to a broadcast report, you learn about a corrupt government official or a company improperly trying to influence public contracting on the federal, state, and local levels.

Based on the media reports, you would think everybody is "on the take" when it comes to government contracting and procurement lobbying. David Yarkin is working hard to change this negative – and incorrect – perception.

"As my former boss used to say, the press doesn't cover plane landings. That same principle applies to what seems like a litany of stories about procurement," said David, president of Government Sourcing Solutions, which is a State and Federal Communications, Inc. ALERTS™ client.

"You don't hear about the hardworking men and women in procurement who are in the trenches every day, and too rarely do they get credit for the interesting and creative things they do to drive savings for taxpayers," David recently told me.

He is trying to change that, one story at a time, by writing columns in professional journals and magazines to shed light on the positive strategies and methods state procurement officers – and their suppliers – are using to streamline operations and save taxpayer money.

One of David's most recent pieces appeared in *Government Procurement Journal*, where he writes a regular column on state procurement. It details how procurement officials in Georgia are using "strategic sourcing" with great success. (Go to <http://govsourcing.com/news.php#sourcing> to read the article.)

"The Department of Administrative Services in Georgia is using strategic sourcing for the procurement of equipment maintenance services. Traditionally, many governments have purchased in a 'silo' fashion where different departments within a government buy independently of each other," David said.

"What Georgia and other states are doing is combining purchases from multiple agencies into a single solicitation and driving the state's business to a single supplier. This increases volume, and since in procurement, pricing is a matter of volume, Georgia is saving taxpayer dollars with this strategy. It's among the biggest trends in government procurement."

I believe sharing and discussing these best practices in public forums will inform and inspire others – both on the supplier side and the government side. In talking with David about the regulatory landscape, he noted how critically important it is to keep current on the latest pieces of legislation that impact suppliers.

"It is very important for companies that want to do business with states to learn how to navigate through the maze of government procurement rules and regulations. Companies need to balance good marketing with a very good understanding of the rules and regulations for government procurement," David noted.

"Regulatory requirements are different in every state. It's important to have information that is reliable and accurate. To do otherwise is like trying to fly a plane with your eyes closed," he said.

David believes the scandals, which receive a disproportionate share of the headlines, are an infinitesimal part of the procurement process. "The well publicized scandals have resulted in legislation that is well intentioned yet still very challenging for rank and file sales representatives and business development professionals to understand. It is crucial for companies to have a good knowledge of the regulations," David said.

He is a recognized expert on strategic sourcing in the public sector. David previously served as deputy secretary of procurement for the Pennsylvania Department of General Services and led sweeping reforms of the state's procurement processing, saving Pennsylvania taxpayers \$140 million a year through strategic sourcing.

I credit David for what he is doing. Thousands of companies provide excellent products and services to state, federal, and local governments, and these products and services enrich lives and serve the public well. Likewise, the vast majority of government procurement officers are trying to purchase goods and services of the highest quality and at the best price to benefit their constituencies.

Until next month, think about how we can continue to promote the hard – and *honest* – work done on both ends of the government contracting process. That is exactly what David Yarkin and other professionals are doing.

Elizabeth Z. Bartz
President and CEO

Summary of Changes UPDATE

Note Recent Changes to Compliance Regulations

by John Cozine, Esq.
Research Manager

Government affairs professionals need to be aware of recent changes – and upcoming changes – in compliance laws for several jurisdictions, including:

ALASKA: Employers and lobbyists must now electronically file registration forms and activity reports using the Alaska Public Offices Commission's (APOC) new electronic filing and reporting system, Insight 2.0. APOC will no longer accept paper or faxed copies of registration forms or reports. Former users of the Insight system can continue their electronic filing as before because of the seamless transfer of data to the Insight 2.0 system.

COOK COUNTY, Illinois: Contribution limits have been amended for contractors doing or seeking to do business with the county, and for lobbyists registered with the county. No person who has done business with the county within the preceding four years, or is seeking to do business with the county, or is a lobbyist registered with the county,

may make contributions in an aggregate amount exceeding \$750 to:

- any candidate for county office or elected county official during a single candidacy;
- an elected official of the government of the county during any nonelection year of his or her term; or
- any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for county office or an elected county official.

Total contributions are permitted of \$1,500 or less in a year in which a candidacy occurs. For the purposes of the ordinance, a year is January 1st to December 31st.

FEDERAL: The U.S. Court of Appeals for the District of Columbia Circuit issued a decision in the case of EMILY's List v. Federal Election Commission. The FEC enacted rules limiting donations to 527 political organizations to \$5,000 if the group said it was going to try directly to influence an election. The FEC also limited the spending by the political groups by ruling much of their spending must come from donations of \$5,000 or less. EMILY's List, a major abor-

tion-rights political group, challenged those rules in court soon after the 2004 election. The court sided with EMILY's List, striking down the \$5,000 limit on donations and removing some limits on campaign spending.

JERSEY CITY, New Jersey: On September 8, 2009, the Jersey City Council passed an ordinance expanding the city's existing pay-to-play law to include redevelopers. The ordinance bars redevelopers from making campaign donations to municipal officials while negotiating to be named the designated builder for a redevelopment or rehabilitation project in the city. The new ban specifically prohibits donations in the three months preceding a developer's application to be named the redeveloper of a particular site. The measure passed 8-0 with one abstention. Jersey City Mayor Jerramiah T. Healy issued a statement shortly after passage indicating his support for the ordinance.

NEW YORK STATE: New York State Comptroller Thomas DiNapoli issued an executive order prohibiting the state's \$116.5 billion public worker pension fund from doing business with investment advisers who have made political contributions to the comptroller. The executive order also would apply to donations to candidates running for comptroller. The new ban applies for two years from the date of the contribution.



Up and Running: Alberta's Lobbyist Registry



by Jeff Hendrix, Esq.
Research Associate

The provincial lobbyist registry promised by Ed Stelmach, the premier of Alberta, Canada, has finally come to fruition. The registry is a cornerstone of the government transparency Stelmach has promised since 2007. It began operations on September 28, 2009, when the Lobbyists Act, its amendments, and general regulations were proclaimed in force.

The registry website, located at www.lobbyistsact.ab.ca, contains information about the new registry and instructions for lobbyists or their designated filers to register online. While registering online is not mandatory, it is encouraged by the ethics commission.

Registering online is free and much faster than any other form of registering. Registering by paper or fax requires the registrant to contact the ethics commissioner to obtain the required forms. In addition, paper or fax registration carries a \$150 (Canadian) fee per registration and can take up to 10 business days longer to complete.

The Alberta legislation distinguishes between two kinds of lobbyists: "consultant" lobbyists and "organization" lobbyists. A consultant lobbyist is a person who is paid to lobby on another's behalf. An organization lobbyist is an employee of an organization whose duty, or the combined duty of all organization lobbyists for the organization, is to lobby at least 100 hours annually.

Initially, consultant lobbyists had until October 28, 2009, to register and organization lobbyists have two months from the Sep-

tember 28th proclamation date to register.

Consultant lobbyists are not required to renew registrations, but rather must file new registrations for separate lobbying undertakings. Organization lobbyists must renew every six months. Any amendments to the registration information for either type of lobbyist must be filed within 10 days of the change occurring.

Intentional non-compliance with the Lobbyists Act can result in an initial fine of up to \$25,000 and a fine of up to \$100,000 for subsequent offenses. The website will allow open access to Albertans to see what lobbying activities are conducted and with whom.

Critics of the registry cite it as nothing but "window dressing," because the Act exempts many organizations from its requirements.

See Us in Person

Plan to say hello at future events where State and Federal Communications will be attending and/or speaking regarding compliance issues.

November 12-15, 2009
November 19, 2009
November 21-24, 2009
December 6-9, 2009
December 10-12, 2009
December 11, 2009

December 16, 2009
January 10-14, 2010
January 20-23, 2010

CSG Annual Meeting, Palm Springs, California
American League of Lobbyists Annual Meeting, Washington, DC
SGAC Leaders' Policy Conference, Palm Beach, Florida
2009 COGEL Annual Conference, Scottsdale, Arizona
NCSL Fall Forum, San Diego, California
Women in Government Relations 2009
PACs, Politics & Grassroots Conference, Washington, DC
SGAC Holiday Party, Washington, DC
PAC Public Affairs Institute, Laguna Beach, California
PAC Grassroots Conference, Orlando, Florida

Legislation We Are Tracking

At any given time, more than 1,000 legislative bills, which can affect how you do business as a government affairs professional, are being discussed in federal, state, and local jurisdictions. These bills are summarized in the State and Federal Communications' digital encyclopedias for lobbying laws, political contributions, and procurement lobbying; this information is located on the client portion of the State and Federal Communications website.

Summaries of major bills are also included in monthly e-mail updates sent to all clients. The attached chart shows the number of bills we are tracking in regards to lobbying laws, political contributions, and procurement lobbying.

	Total Bills	Number of Jurisdictions	Passed	Died	Carried over to 2010
Lobbying Laws	322	45	30	128	79
Political Contributions	557	51	44	187	128
Procurement Lobbying	398	46	43	112	81

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Landmark Series – Presidential Libraries

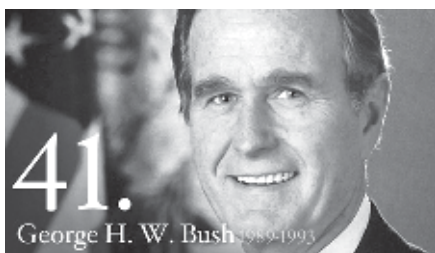
This article is one of an ongoing series that focuses on historical and/or significant landmarks.

The information below was gleaned from http://en.wikipedia.org/wiki/George_H._W._Bush and http://en.wikipedia.org/wiki/George_Bush_Presidential_Library

There are currently 13 libraries in the United States dedicated to the work of a past U.S. President. They are Herbert Hoover, Franklin D. Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard M. Nixon, Gerald R. Ford, Jimmy Carter, Ronald Reagan, George H.W. Bush, William J. Clinton, and George W. Bush [currently at Southern Methodist University.] During 2009, we will be sharing a little bit about each of these Libraries. They are each a tribute to one of 44 men who have taken on the role of President of the United States.

George H.W. Bush [1924 -] 41st President of the United States

George H.W. Bush was born June 12, 1924, in Massachusetts to Senator Prescott Bush and Dorothy Walker Bush. He seemed destined for politics given his heritage. George H.W. Bush postponed going to college at the age of 18 to become the youngest naval aviator in the US Navy at the time. He later attended college and graduated from Yale in 1948. He moved his family to west Texas and entered the oil business, becoming a millionaire by the age of 40.



He began his political career soon after founding his own oil company. He served as a member of the House of Representatives, and he ran unsuccessfully for president of the United States in 1980. He was then chosen by party nominee Ronald Reagan to be the vice presidential nominee; after serving as vice president for eight years, he was elected as President of the United States.

The George Bush Presidential Library and Museum is located on a 90-acre site on the campus of Texas A&M University in College Station, Texas. The Library and Museum was dedicated on November 6, 1997.

The Library and Museum operates under the administration of the National Archives and Records Administration, under the provisions of the Presidential Libraries Act of 1955. In keeping with the provisions of this Act, the Library is situated on a plaza adjoining the Presidential Conference Center and the George Bush School of Government and Public Service.

41ST PRESIDENT OF THE UNITED STATES
VICE PRESIDENT
DAN QUAYLE (1989-1993)
PRECEDED BY RONALD REAGAN
SUCCEEDED BY BILL CLINTON

The archives housed there contain a combination of almost 40 million pages of personal papers and official documents from the vice presidency, presidency, as well as personal records from associates connected with President Bush's public career as congressman, ambassador to the United Nations, chief of the U.S. Liaison Office in China, chairman of the Republican National Committee, and director of the Central Intelligence Agency.

The records are housed in acid-free storage boxes in a balanced humidity and temperature atmosphere, as in all presidential libraries. The archival storage area houses 13,000 cubic feet of records and the library has a national security vault holding 3,500 cubic feet of presidential records, in addition to memoranda, speeches, and reports.

Address:

The Museum at the George Bush Presidential Library
 1000 George Bush Drive West, College Station, Texas 77845

Contact Information:

Phone Number: (979) 691-4000 Fax Number: (979) 691-4050
 TTY Number: (979) 691-4091 E-mail: Library.Bush@nara.gov

Hours:

Monday through Saturday 9:30 a.m. - 5 p.m. Sunday 12 p.m. - 5 p.m.

Municipal Coverage Grows

The number of municipalities and regional governments our research attorneys track continues to grow each month. We now cover more than 140 municipalities and regional governments, **including every state capital**. This is part of a continuous effort to better serve the needs of our clients.

This month, we have added six municipalities for which our customers will find comprehensive, timely, and accurate information that includes: complete calendar of reporting deadlines; critical

statutory citations; extensive directories of contact information; summaries of each state law; detailed reference charts on goods and services contributions; highlights of every statute; copies of all required forms; and much more.

The new municipalities are:

Arlington, Texas

Pittsburgh, Pennsylvania

Aurora, Colorado

St. Louis, Missouri

Cincinnati, Ohio

Tampa, Florida

State and Federal Communications, Inc. Scrapbook



Elizabeth Bartz, president and CEO of State and Federal Communications, Inc., met with the current president, and two former presidents, of the Washington Area State Relations Group (WASRG) while they were all in attendance at the recent *State & Local Government Relations Seminar* in Alexandria, Va., sponsored by the Public Affairs Council.

Joining Elizabeth in the photo are, from left: Jim Brown from Capital One Financial Corp., Wayne Muhlstein from StateNet, and Leif Johnson from KSE FOCUS. Leif is WASRG's current president.



Elizabeth Bartz, president and CEO of State and Federal Communications, Inc., met with Connie Campanella, right, president and CEO of Stateside Associates, while they both attended the recent *State & Local Government Relations Seminar* in Alexandria, Va., sponsored by the Public Affairs Council.



Several members of the team from State and Federal Communications, Inc. attended the recent *State & Local Government Relations Seminar* in Alexandria, Va., sponsored by the Public Affairs Council. They are, in front row from left: Sarah Gray, Katie Morton, President and CEO Elizabeth Bartz, and Nicole Chames; in back row from left: Justin Quinlan, Rebecca South, and David Dobo.



The Mission of State and Federal Communications is to make sure that your organization can say, "I Comply." We are the leading authority and exclusive information source on legislation and regulations surrounding campaign finance and political contributions; state, federal, and municipal lobbying; and procurement lobbying.

Contact us to learn how conveniently our services will allow you to say "I Comply" for your compliance activities.

<http://www.stateandfed.com/>