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MEMORANDUM

To: All State Agencies, Boards, Commissions and Institutions of Higher Education

Attention: **Chief Financial Officers & Professional Consultant Services
Contracting Staff, Agency Procurement Officials and Purchasing Agents**

From: Joseph A. Giddis

Date: August 23, 2006

Subject: Lobbyists--Professional Consultant Services (PCS) Contract

This memorandum updates guidance on contracting for lobbyists and/or lobbying groups. Please see the August 23, 2006 memorandum, SUBJECT "Lobbyists—Professional Consultant Services (PCS) Contract", December 5, 2002 memorandum, SUBJECT:" Professional Consultant Services Contracting" and the December 11, 2002 memorandum, SUBJECT: Lobbyists—Professional Consultant Services Contract for the policy on the use of either the Request for Qualifications (RFQ) or the Request for Proposal (RFP) format. Should the agency or Institution of Higher Education choose to use the "sole source" method of contracting, please follow the same guidance as with other sole source PCS contracts.

Prior to entering into a contract with a lobbyists or lobbying group, agencies are to review Attorney General Opinion 2004-190 concerning employment of lobbyists and/or lobbying groups with the purpose of influencing legislative action or administrative action.

There is a high potential for conflict of interest if Agencies or Institutions of Higher Education hire a lobbyist who also represents private interests in the legislature. Agencies and Institutions of Higher Education should ensure they get disclosure of all clients and issues that the lobbyists will be pursuing to determine if there is a conflict. An example of a possible area of concern might be an executive agency using a lobbyist who is lobbying against another executive agency's position on other issues.

The standard Professional Consultant Services contract form should be used when contracting for the services of a lobbyist. Again, the same policies and procedures that pertain to other professional consultant services contracts are applicable to contracting for lobbyist services.

If you have questions or need assistance please email reba.sims@dfa.state.ar.us or kurtis.markish@dfa.state.ar.us This memorandum, and others addressing this issue, are posted on the OSP web site under the "Agency" box. <http://www.arkansas.gov/dfa/purchasing>

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