



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division - Lobbyist Section

Alan N. Cote
Director

Marie D. Marra
Supervisor, Lobbyist Section

May 18, 2010
LAO/10-18

[REDACTED]

Dear [REDACTED]

I have received your April 2, 2010 email correspondence requesting a lobbying advisory opinion. See G.L. c. 3, § 41 (2008 ed.). Specifically, you inquired whether a sales representative or agent seeking business contracts with covered officials is required to register as a lobbyist.

An executive agent is defined as a person who, for compensation or reward, engages in executive lobbying, which includes in part any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement. G.L. c. 3, § 39 (2008 ed.). It should be noted that nothing prohibits an individual from responding to an awarding authority or covered official to a Request for a Proposal (RFP). In fact, one of the exceptions to an "act to communicate directly with a covered executive official" includes:

a response to a request for proposals or similar invitation by an officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, for information relevant to a contract

G.L. c. 3, § 39 (2008 ed.).

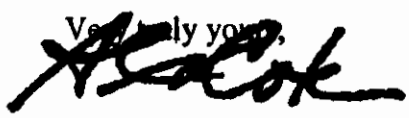
Thus, to the extent that an individual is simply responding to an RFP by a government entity, such communication is not within the purview of lobbying. However, where there is contact with an awarding authority or official in an attempt to influence the decision regarding a proposal, such action falls within the definition of lobbying. *Id.* In such circumstances, if the individual who engages in lobbying also meets the criteria of

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being an executive agent, a legislative agent, or both, registration with the Lobbyist Section is proper. G.L. c. 3, §§ 39, 41 (2008 ed.).

Very truly yours,


Alan N. Cote
Director