TOWNSHIP OF WEST WINDSOR
AFFIDAVIT OF COMPLIANCE WITH
SECTION 4-22.1 *ET SEQ.* OF THE TOWNSHIP CODE

State of _____:
: ss
County of _____:

I, _____
(Name of Professional Business Entity(s); if a corporation, name of officer making affidavit)
being duly sworn, affirm that I am aware of the provisions of Chapter 4-22.1 *et seq.* of the Township Code of the Township of West Windsor, which was enacted into law by Township Ordinance No. 2003-09 and made effective as of April 7, 2003. In accordance with that Ordinance, I further declare that neither the professional business entity with which I am associated, nor I, have made any contribution of money or anything of value, including in kind contributions at anytime after April 7, 2003, to any West Windsor Township candidate for Mayor or Township Council, or West Windsor Township political party committee or their intermediaries, including but not limited to, a Mercer County political party committee. I further declare that I am aware that if it is determined that such contributions have been made, that it will be deemed as a material breach of any professional services agreement that I have entered into with the Township of West Windsor and that I may be subject to penalties as may be provided by law, including those set forth in Chapter 4-22.1 *et seq.* of the Township Code.

_____
Signature of Person Making Affidavit

Sworn and subscribed to before me this
_____ day of _____, 2005.

_____

My Commission expires _____

2003-09

AN ORDINANCE
AMENDING AND SUPPLEMENTING CHAPTER 4, ENTITLED "ADMINISTRATION OF GOVERNMENT," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999), IN ORDER TO ESTABLISH A TOWNSHIP POLICY FOR THE AWARDING OF PUBLIC PROFESSIONAL SERVICE CONTRACTS

WHEREAS, it has become common for professional service providers to make substantial political contributions, whether directly or through intermediaries, including but not limited to Mercer County Party Committee, to the election campaigns of the local government elected officials who are responsible for awarding professional service contracts; and

WHEREAS, local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government, if not the quality or cost of services received; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities.

WHEREAS, nothing contained herein shall be interpreted to impair in any way the right of a professional service provider secured by the First Amendment of the Constitution of the United States of America and further secured by Article 1, Paragraph 6 of the Constitution of the State of New Jersey to exercise its right to freedom of speech and its right to speak, write and publish its sentiments on all subjects.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of West Windsor, in the County of Mercer and State of New Jersey, that the policy of the Township of West Windsor will be to create such a regulation which states that a professional service provider which makes political contributions to elected officials who are responsible for awarding professional services contracts shall be ineligible to receive a public professional service contract from the Township of West Windsor.

BE IT FURTHER ORDAINED, that Chapter 4, entitled "Administration of Government", of the Revised General Ordinances of the Township of West Windsor, New Jersey (1999), is hereby amended and supplemented in order to establish a Township policy for the awarding of public professional services contracts as follows:

4-22.1 [4-27] Awarding of Public Professional Service Contracts.

4-22.1.1 [4-27.1] Prohibition Awarding Public Contracts to Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the Township or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services from any professional service provider, if that provider has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to a campaign committee of any West Windsor Township candidate or holder of public office within the Township having responsibility for the award of the contract, or to any West Windsor Township or Mercer County Party Committee within one (1) calendar year immediately preceding the date of the contract or agreement.

b. No professional service provider which enters into negotiations for, or agrees to, any contract or agreement with the Township or any department or agency thereof or of its independent authorities for the rendition of professional services shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any West Windsor Township candidate or holder of public office within the Township having responsibility for the award of the contract or to any West Windsor Township or Mercer County Party Committee, between the time of first communications between that service provider and the Township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

c. For purposes of this section, a "professional service provider" seeking a public contract means an individual, including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a service provider includes all principals who own one percent (1%) or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the provider as well as any subsidiaries directly controlled by the service provider.

<u>4-22.1.4</u> [4-27.4] Penalty.

a. All Township of West Windsor professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional service provider, as defined in Subsection 4-27.1c, to violate Subsection 4-27.1b or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries or any Mercer County Party Committee for the purpose of concealing or misrepresenting the source of the contribution.

b. Any professional service provider, as defined in Subsection 4-27.1c, who knowingly fails to reveal a contribution made in violation of this Section, or who knowingly makes or solicits contributions through intermediaries including but not limited to Mercer County Party Committee for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Township contracts for a period of four (4) calendar years from the date of the violation.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by the Council, whichever is applicable; and upon publication according to law.

INTRODUCTION: March 3, 2003
PUBLIC HEARING: March 17, 2003
MAYORAL APPROVAL: March 18, 2003
EFFECTIVE DATE: April 7, 2003