ORDINANCE NO. 1952

FILED
DEC 11 2007
NINA MITCHELL WELLS
SECRETARY OF STATE

AN ORDINANCE PROHIBITING THE AWARDING OF PUBLIC PROFESSIONAL CONTRACTS TO CERTAIN POLITICAL ELECTION CAMPAIGN CONTRIBUTORS

WHEREAS, professional business entities are exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5 et seq.; and

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

NOW THERFORE, BE IT ORDAINED by the Township Council of the Township of Ocean, in the County of Monmouth, State of New Jersey, that the policy of the Township of Ocean will be to exclude professional business entities from contributing to individuals or a political ticket running for elective office. If an individual or professional business entity makes a campaign contribution as defined herein, they will be excluded from obtaining a professional contract with the Township of Ocean Municipal Government.

SECTION I. Prohibition on Awarding Public Contracts to Contributors.

a. Any other provision of law to the contrary notwithstanding, the municipality 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 business entity, if that entity has made contributions, to a campaign committee of any candidate for Township Council within one calendar year immediate preceding the date of the contract or agreement.

b. For purposes of this ordinance a "professional business entity" seeking a public contract means a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a particular field. This shall also mean any person who is employed by or associated with the professional either by firm; Corporation; Limited Liability; Professional Corporation; partnership; organization or association. This shall further mean the professional's spouse, if any, and any child living at home.

SECTION II. Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate

for Council, shall be deemed a violation of this section, if that contribution was made by the professional business entity prior to the effective date of this section.

SECTION III. Contribution Statement by Professional Business Entity.

a. Prior to awarding any contract or agreement to procure services with any professional business entity, the Township or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offerer has not made a contribution in violation of Section I of this Act.

b. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law. The professional business entity shall have a continuing duty to report any violations of this Act that may occur subsequent to the execution of said sworn statement.

SECTION IV. Penalty.

a. All Township of Ocean professional services agreements shall provide that it shall be a breach of the terms of the government contract for a professional business entity as defined in Section I.b. to violate Section I.

b. Any professional business entity as defined in Section I.b. who knowingly fails to reveal a contribution made in violation of this Act, or directs that a contribution be made through another individual to circumvent this ordinance shall be disqualified from eligibility for future Township contracts for a period of four calendar years from the date of the violation.

SECTION V. Severability.

If any provision of this law, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be effected thereby, and to this extent the provisions of this law are severable.

Any ordinance or ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

SECTION VI. Effective Date.

This ordinance shall become effective on 3/26/03, after final adoption and publication thereof according to law.

Deborah J. Smith
Municipal Clerk