



TOWNSHIP OF SOUTH BRUNSWICK

Municipal Building Monmouth Junction, NJ 08852

Phone
732-329-4000

TDD
732-329-2017

June 25, 2007

Office of the Secretary of State
Laws and Commissions Section
PO Box 300
Trenton, NJ 08625-0300

RE: Local Pay-to-Play Policy

To Whom It May Concern:

Enclosed please find a copy of our current Pay-to-Play Policy "ARTICLE XIV. PUBLIC CONTRACTING REFORM AND POLITICAL CAMPAIGN CONTRIBUTION LIMITATIONS*" as incorporated in the South Brunswick Township Code.

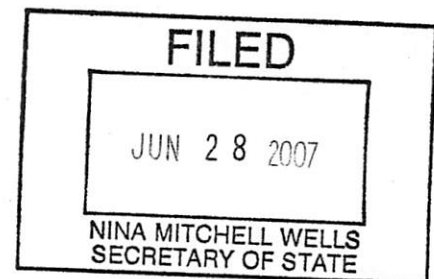
Please note this policy was derived from Ordinances #30-04, 46-04, 60-04 and 68-04, which are all enclosed.

Should you have any questions feel free to contact me at ext. 7313.

Sincerely yours,

Barbara Nyitrai, RMC
Township Clerk

C: Matthew U. Watkins, Township Manager



PUBLIC CONTRACTING REFORM

Be It Enacted by the Township of South Brunswick, Middlesex County, New Jersey:

Preamble

Whereas, professional business entities are exempt from public bidding requirements, and

Whereas, it has become common for professional business entities to make substantial political contributions to the election campaigns of the local government elected officers who are ultimately responsible for awarding professional service contracts, and

Whereas, substantial local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions 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 NJSA 40A: 11-5 and NJSA 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities,

Now therefore, be it resolved, that the policy of the Township of South Brunswick will be to set maximum amounts professional business entities may contribute politically beyond which they become ineligible to receive a public professional service contract awarded without competitive bid from South Brunswick Township.

SECTION 1

Prohibition on Awarding Public Contracts to Certain 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 solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to a campaign committee of any candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any affiliated political entity including but not limited to municipal or county party committee, in excess of the thresholds specified in subsection (d) within three years immediately preceding the date of the contract or agreement.

(b) No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the municipality 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 candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any municipal or county party committee, between the time of first communications between that business entity 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.

ORDINANCE NO. 60-04
AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF SOUTH BRUNSWICK AMENDING CHAPTER 3, ARTICLE IV, ENTITLED "POLITICAL CAMPAIGN CONTRIBUTION LIMITATIONS".
This ordinance amends Chapter 3, Article 4, entitled "Political Campaign Contribution Limitations".
TAKE NOTICE that submitted by initiative and certified by the Township Clerk at a regular meeting held on August 17, 2004, this ordinance will be considered on second and final reading at a special meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 pm on August 31, 2004, at which time and place any person having an interest therein will be given an opportunity to be heard.
Copies of this ordinance may be obtained without charge in the office of the Municipal Clerk during normal business hours.
Barbara Gut
Township Clerk
SBP: 9-23-04
FEE: \$12.00

ORDINANCE NO. 60-04
AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF SOUTH BRUNSWICK AMENDING CHAPTER 3, ARTICLE IV, ENTITLED "POLITICAL CAMPAIGN CONTRIBUTION LIMITATIONS".
TAKE NOTICE that this ordinance was submitted by initiative and certified by the Clerk at a regular meeting of the Township Council of the Township of South Brunswick, Middlesex County, New Jersey, held on August 17, 2004, and was adopted on final reading at a special meeting held on August 31, 2004, at the Municipal Building, Monmouth Junction, New Jersey.
Barbara Gut
Township Clerk
SBP: 9-23-04
FEE: \$8.37

(c) For purposes of this ordinance, a "professional business entity" means any individual or organization which may receive contracts without the necessity of public bids pursuant to the Local Public Contracts Law, NJSA 40A:11-5. "Professional business entity" shall include an individual including the individual's spouse, if any, and any child or parent living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a professional business entity includes any principals who own any equity in the corporation or business trust, partners, or officers employed by the entity as well as any parent, subsidiaries or collateral organization of the professional business entity.

(d) Any individual meeting the definition of "professional business entity" may contribute a maximum of \$400.00 in the aggregate to a candidate or group of candidates, for mayor or council or \$400.00 in the aggregate to any affiliated political organization without violating subsection (a) of this section.. Any "professional business entity" which consists of a group of individuals, including such principals, partners, and officers of the entity, and any parent, subsidiary or collateral organization may not contribute in the aggregate in excess of \$1,200.00 to any municipal candidate or affiliated political organization, without violating subsection (a) of this section. The contributions considered herein would be to candidates for municipal office with ultimate responsibility for the award of the contract sought.

An affiliated political organization means any organization required to file reports of its activities with the New Jersey Election Law Enforcement Commission, which provides contributions, loans or in-kind contributions to candidates for the Council or Mayor of South Brunswick Township.

(e) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:

(1) The South Brunswick Township Council, if the contract requires approval or appropriation from the Council.

(2) The Mayor of South Brunswick Township, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

SECTION 2

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 Mayor or Council, or municipal or county party committee shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

SECTION 3

Contribution Statement by Professional Business Entity



This is to certify that the foregoing is a true copy of an ordinance adopted by the Township Council of South Brunswick Township on August 31, 2004.

Barbara Nyitrai
Barbara Nyitrai, RMC
Township Clerk