



Council Members at Large
James V. Carroll
Caroline Ehrlich
Patricia Osborne
Brenda Yori Velasco

Ward Council Members

First - Charles Kenny
Second - Richard A. Dalina
Third - Greg Bedard
Fourth - James H. Major
Fifth - Robert G. Luban

February 3, 2006

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Municipal Clerk
John M. Mitch, RMC, CMR

Nina Mitchell Wells, Secretary of State
State House
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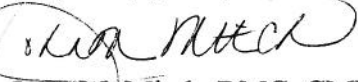
RE: PUBLIC CONTRACTING REFORM ORDINANCE

To who it may concern:

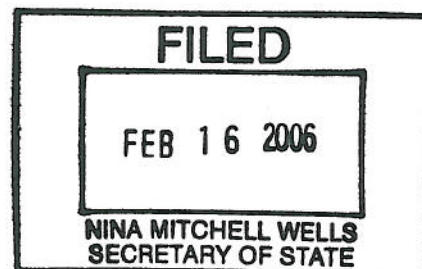
Attached is a copy of the subject Ordinance adopted by our governing body on **September 7, 2004**.

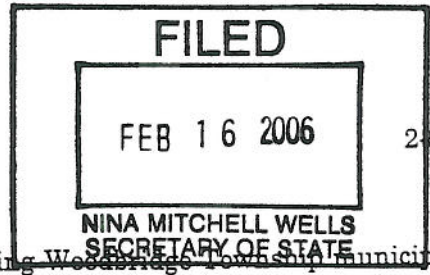
It has been brought to my attention that copies of existing Ordinances on this subject are to be filed in your office. If I am incorrect, kindly advise me accordingly. If I am correct and you have any questions, please feel free to contact me at 732-634-4500 x6404.

Very truly yours,


John M. Mitch, RMC, CMR
Municipal Clerk

Attachment
JMM/gs





2-94 PUBLIC CONTRACTING REFORM ORDINANCE.

2-94.1 Prohibition on Awarding Public Contracts to Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the Township, its purchasing agent or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure, without public bid, any service which the Township would be permitted to procure on a "no bid" basis pursuant to N.J.S.A. 40A:11-5(l)(a)(i) and 40A:11-5(l)(m) (the "statute") from any professional business entity, if that entity has solicited on behalf of, or made any contribution of money, or pledged a contribution, including in-kind contributions, to a campaign committee of any Woodbridge Township municipal candidate or holder of the public office, who would have, or has, ultimate responsibility for the award of the contract, or to any Woodbridge Township or Middlesex County party committee, or to any political action committee that is organized for the primary purpose of promoting or supporting Woodbridge Township municipal candidates or municipal officeholders (PAC) in excess of the thresholds specified in paragraph c., within twelve (12) consecutive months immediately preceding the date of the award of the contract.

b. No professional business entity which enters into negotiations for, or agrees to, any contract or agreement not the subject of public bidding with the Township or its independent authorities for the rendition of services described in paragraph a. shall knowingly solicit on behalf of, or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Woodbridge Township candidate or holder of the public office who would have, or has, ultimate responsibility for the award of the contract, or to any Woodbridge Township or Middlesex County party committee, or to any PAC that is organized for the primary purpose of promoting

or supporting Woodbridge Township municipal candidates or municipal officeholders between the time of first communications between that professional 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.

c. (i) Subject to the limitation in (ii) of this paragraph, any entity meeting the definition of "professional business entity" under this section may annually contribute a maximum of four hundred (\$400.00) dollars to each candidate, for Mayor or Council, and five hundred (\$500.00) dollars to each Woodbridge Township or Middlesex County party committees, or to a PAC referenced in this section, without violating paragraph a. of this subsection. However, (ii) any entity meeting the definition of "professional business entity" under this section, including such principals, partners, and officers of the entity may not annually contribute in the aggregate in excess of a total of two thousand five hundred (\$2,500.00) dollars to all Woodbridge Township candidates and officeholders who have or if elected would have ultimate responsibility for the award of the no bid contract, and all Woodbridge Township or Middlesex County political parties and PACs referenced in this section without violating paragraph a. of this subsection.

d. For purposes of this section, a "professional business entity" is any entity seeking or performing without competitive bidding, a public contract for services permissible under the statute and which includes an individual including the individual's spouse, if any, and any child living at home; a person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a professional business entity includes all principals who own ten (10%) percent or more of the equity in the corporation or business trust, partners, and officers employed by the entity as well as any subsidiaries directly controlled by the business entity.

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 Township of Woodbridge Council, if the contract requires approval or authorization from the Council.

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

(Ord. # 04-40 § 1)

2-94.2 Contributions Made Prior to the Effective Date of this Section. 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 or PAC referenced in this section 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.* (Ord. # 04-40 § 2)

2-94.3 Contribution Statement by Professional Business Entity.

a. Prior to awarding any contract or agreement without public bid, any service which the Township would be permitted to procure on a "no bid" basis pursuant to the statute to 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 it has not made a contribution in violation of subsection 2-94.1 of this section.

b. The professional business entity shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. 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.

(Ord. # 04-40 § 3)

2-94.4 Return of Excess Contributions. A professional business entity or Township candidate or officeholder or municipal or County party committee or PAC referenced in this section may cure a violation of subsection 2-94.1 of this ordinance if, within thirty (30) days after the general election, the professional business entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the entity to whom the contribution was made. (Ord. # 04-40 § 4)

2-94.5 Penalty.

a. All Woodbridge Township agreements with Professional Business Entities shall provide that it shall be a material breach of the terms of the government contract for a professional business entity to violate, or to aid or abet a violation, of subsection 2-94.1b. and c. or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.

b. Any professional business entity who knowingly fails to reveal a contribution made in violation of this section, or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Woodbridge Township contracts for a period of

*Editor's Note: Ordinance No. 04-40, codified herein as Section 2-94, was adopted September 7, 2004.

forty-eight (48) months from the date on which
the violation is finally determined.
(Ord. # 04-40 § 5)