

The Township of **MOORESTOWN**

111 W. SECOND ST. • MOORESTOWN • NEW JERSEY 08057-2480



**REQUEST FOR PROPOSALS FOR
2019 PROFESSIONAL SERVICES
FOR
UTILITIES AND STORMWATER COUNSEL**

Dated: January 18, 2019

Proposal Due: Tuesday, February 12, 2019 by 10 a.m.

(856) 914-3015 – Telephone (856) 914-3076 – Fax

phunt@moorestown.nj.us – Email

www.moorestown.nj.us – Website

The Township of MOORESTOWN

111 W. SECOND ST. • MOORESTOWN • NEW JERSEY 08057-2480



NOTICE OF REQUEST FOR PROPOSALS (RFP) FOR 2019 PROFESSIONAL SERVICES for

UTILITIES AND STORMWATER COUNSEL

Sealed proposals will be publicly received, opened, and announced by the Township of Moorestown in the County of Burlington, State of New Jersey on Tuesday, February 12, 2019 at 10 a.m. in the Council Chamber of Town Hall, 111 West Second Street, Moorestown, New Jersey 08057-2480 for 2019 Professional Services – Utilities and Stormwater Counsel.

All respondents and the general public are invited to be present for the opening of the proposals.

The RFP may be inspected at the Office of the Municipal Clerk, Town Hall, 111 West Second Street, Moorestown, New Jersey 08057-2480 (Telephone No. (856) 235-0912, Ext. 3015). Copies can be obtained online by going to Moorestown Township's homepage at www.moorestown.nj.us. Any questions or concerns with regard to obtaining a copy of the RFP, please contact the Township Clerk at phunt@moorestown.nj.us or at the number above.

Each proposal must be received no later than Tuesday, February 12, 2019 at 10 a.m. and must be enclosed in a sealed envelope addressed to the Township of Moorestown, Attention: Municipal Clerk, and marked on the outside with words: RFP: PROFESSIONAL SERVICES/USC.

Respondents must comply with all laws for rendering of professional services to Moorestown Township including, but not limited to, New Jersey Pay-to-Play Laws, Chapter 10 of the Code of Moorestown Township, as well as any amendments thereto. Bidders are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 (Affirmative Action Law) and P.L. 2004, c.57 (Business Registration Act). A contract will be awarded under the fair and open provisions of the Pay-to-Play laws, pursuant to N.J.S.A. 19:44A-20.5 et seq.

The Township reserves the right to reject all proposals, to reject any proposal not complying with this notice, and to waive informalities of any proposal if such waiver is deemed by the Township Council to be advantageous to the Township.

Patricia L. Hunt, RMC
Township Clerk

(856) 914-3015 – Telephone (856) 914-3076 – Fax
phunt@moorestown.nj.us – Email
www.moorestown.nj.us – Website

**TOWNSHIP OF MOORESTOWN
REQUEST FOR PROPOSALS FOR
2019 PROFESSIONAL SERVICES FOR**

UTILITIES AND STORMWATER COUNSEL

NEEDS OF THE MUNICIPALITY AND EXPECTED EXPERIENCE

2019 Professional Services

As part of the requirements set forth in the Request for Proposals (RFP), respondents must thoroughly explain their ability to meet the needs of the municipality and meet or exceed the expected experience -- all as more particularly set forth below -- with respect to the position being sought. The needs and experience set forth below are important to the Township and will be used to guide selection, but failure to meet one or more criteria will not disqualify an applicant from consideration if their overall proposal is otherwise deemed to be the strongest among respondents. It should be noted that applicants not chosen for positions sought, may still be selected as alternates to ensure adequate professional services are available to address conflict, situations, appropriately manage work demands, and address specialized needs.

Utilities and Stormwater Counsel

The Township Utilities and Stormwater Counsel shall provide legal services with respect to township water, sewer and stormwater matters. These matters include: acquisition of state approvals and permits with respect to water, sewer, and stormwater improvements and operations; representation before State and county agencies concerning water, sewer and stormwater matters; representation on sewer, water and stormwater litigation matters; development, oversight, and enforcement of water and sewer construction contracts; acquisitions and maintenance of appropriate construction and maintenance of utility easements; negotiation of water purchase agreements; compliance with Federal/State stormwater regulations; coordination with municipal utility engineers; oversight of utility capital projects; and preparation of bid specifications for utility projects.

GENERAL INSTRUCTIONS TO RESPONDENTS

1. Sealed proposal packages, clearly marked on the outside "PROPOSAL ENCLOSED-2019 PROFESSIONAL SERVICES/USC, containing 1 original, 4 copies and a CD must be submitted by 10 a.m. on Tuesday, February 12, 2019 to Patricia L. Hunt, Township Clerk, 111 West Second Street, Moorestown, NJ 08057. Proposals submitted after this time and date will not be considered. The Township of Moorestown is not responsible for any bid mailed or hand delivered which is lost in transit or delivered late.

2. Proposals will be publicly opened at 10 a.m. on Tuesday, February 12, 2019 in the Council Chamber, Town Hall, 111 West Second Street, Moorestown, New Jersey 08057. The public is invited to attend.

3. The Township and its employees will not be responsible for any cost associated with the Contractor's preparation, submission or presentation of their proposal. The Township reserves the right to reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Township further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all Contractors submitting proposals. In the event that all proposals are rejected, the Township reserves the right to re-solicit proposals.
4. Township Council reserves the right to interview any and all respondents. Although interviews may take place, the proposal should be considered comprehensive and complete on its face. The Township reserves the right to request clarifying information subsequent to submission of the proposal.
6. All contractors must comply with all laws for rendering of professional services to Moorestown Township including, but not limited to, New Jersey Pay-to-Play Laws, Chapter 10 of the Code of Moorestown Township (attached hereto and which disqualifies Respondents who have made certain political contributions), P.L. 1975, c. 127 (Affirmative Action Law) and P.L. 2004, c.57 (Business Registration Act).
7. The Township will select a person or firm (hereinafter "Contractor" or "Respondent") for the provision of these services based upon a fair and open process, pursuant to N.J.S.A. 19:44A-20.5, et seq. In order to have a proposal considered by the Township Council, a Contractor must provide evidence that they can satisfy the minimum requirements as set forth in this document.
8. Appointment will be made through a fair and open process based upon the criteria listed herein.
9. The service term will be from date of award until Township Council reorganizes in January 2020.
10. **AFFIRMATIVE ACTION: MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE (N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27) for GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS:**

During the performance of this contract, the Contractor agrees as follows:

The Contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall

include, but not limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The Contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The Contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The Contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to **N.J.S.A. 10:5-31 et seq.** as amended and supplemented from time to time and the Americans with Disabilities Act.

The Contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with **N.J.A.C. 17:27-5.2**, or a binding determination of the applicable county employment goals determined by the Division, pursuant to **N.J.A.C. 17:27-5.2**.

The Contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The Contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personal testing conforms to the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the Contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

Contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval
Certificate of Employee Information Report
Employee Information Report Form AA302

The Contractor and its subcontractor shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

Contract Compliance Guidelines Revision Date: 09/2007

10. NEW JERSEY BUSINESS REGISTRATION ACT. No Contractor is permitted to bid on a Contract unless the contractor is registered pursuant to the New Jersey Business Registration Act, N.J.S.A. 52:32-44 et. seq. No Contractor shall list a Subcontractor in the bid proposal unless the Subcontractor is also registered pursuant to the Act at the time the bid is made. Applications for registration shall not be accepted as a substitute for a Business Registration Certificate. A copy of the Contractor's and all listed subcontractors' current Business Registration Certificate shall be submitted with the proposal or after the proposal is made, but prior to the award of the Contract.

The Contractor shall provide written notice to its Subcontractors and suppliers of the responsibility to submit proof of business registration to the Contractor. The requirement of proof of business registration extends down through all levels (tiers) of the project.

Before final payment on the contract is made by the Contracting Agency, the Contractor shall submit an accurate list and the proof of business registration of each subcontractor or supplier used in the fulfillment of the contract, or shall attest that no subcontractors were used.

For the term of the Contract, the Contractor and such of its affiliates and a subcontractor and each of its affiliates (N.J.S.A. 52:32-44(g)(3)) shall collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act on all sales of tangible personal property delivered into this State, regardless of whether the tangible personal property is intended for a Contract with a Contracting Agency.

A business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L.2001, c.134 (C.52:32-44 et al.) or subsection e. and f. of section 92 of P.L. 1977, c. 110 (C.5:12-92), or that provides false business registration information under the requirements of either of those sections, shall be liable for a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a Contracting Agency.

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that **knowingly** provide goods or perform services for a contractor fulfilling this contract: 1) the contractor shall provide written notice to its subcontractors to submit proof of

business registration to the contractor; 2) prior to receipt of final payment from a contracting agency, a contractor must submit to the contracting agency an accurate list of all subcontractors or attest that none was used; 3) during the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

Information on the law and its requirements is available by calling (609) 292-9292.

Updated 2/25/2010 in accordance with LFN 2010-4 (PL2009c.315)

11. **INSURANCE.** It shall be the responsibility of the contractor to maintain the following insurance coverage, in the amounts specified, for the length of the contract with a company that is licensed to do business in the State of New Jersey.

The following minimum coverages are required:

Commercial General Liability	\$1,000,000
General Aggregate	\$2,000,000
Automobile Liability	\$ 500,000
Workers' Compensation	Statutory
Professional Liability (E&O, Malpractice)	\$1,000,000

No deductible will be permitted on the liability insurance.

The Contractor shall not commence work under this contract until it has obtained the insurance required under this section.

COMMERCIAL GENERAL LIABILITY INSURANCE. During the life of this contract, the Contractor shall procure and maintain Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than those listed above. The Township of Moorestown shall be named as an Additional Insured.

AUTOMOBILE LIABILITY INSURANCE. During the life of this contract, the Contractor shall procure and maintain Automobile Liability Insurance, including applicable no-fault coverage, with limits of liability as listed above per accident combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

WORKERS' COMPENSATION. During the life of this contract, the Contractor shall procure and maintain Workers' Compensation insurance including Employer's Liability Coverage in accordance with the statutes of the State of New Jersey.

NOTICE OF CANCELLATION. Commercial General Liability Insurance, Automobile Liability Insurance, and Workers' Compensation Insurance, as described above shall include an endorsement stating the following: "Sixty (60) days advanced written notice of cancellation, non-renewal, reduction and/or material change shall be sent to: Township Clerk, Township of Moorestown, 111 West Second Street, Moorestown, NJ 08057.

PROOF OF INSURANCE COVERAGE. The Contractor shall provide the municipality at the time the contracts are returned for execution, a Certificate of Insurance (with minimum coverages as outlined above) for Commercial General Liability, Automobile Liability, Workers' Compensation and Professional Liability. The Township of Moorestown shall be specifically named as an Additional Insured under the Commercial General Liability insurance.

CONTINUATION OF COVERAGE. If any of the above coverages expire during the term of this contract, the Contractor shall deliver renewal Certificates and/or policies to the municipality at least ten (10) days prior to the expiration date.

12. INDEMNITY/HOLD HARMLESS. Contractor agrees to defend, pay on behalf of, indemnify, and hold harmless the Township of Moorestown, its elected and appointed officials, its agents, employees and volunteers and others working on behalf of the Township of Moorestown against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the Township of Moorestown, its elected and appointed officials, its agents, employees, volunteers or others working on behalf of the Township of Moorestown, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of the Contractor's negligence or actions connected or associated with this contract."

13. PROMPT PAYMENT ACT. The Township will issue timely payment to Contractor in accordance with the requirements of "The Prompt Payment Act", N.J.S.A. 2A:30A-1, et. seq. If the contractor has performed in accordance with the contract and the work has been approved and certified by the Township, the Township shall pay the bill not more than 30 calendar days after the billing date, provided that the billing shall be deemed "approved" and "certified" 20 calendar days after the owner receives it, unless the Township provides, before the end of the 20-day period, a written statement of the amount withheld and the reason for withholding payment. Disputes regarding whether the Township has made payments in accordance with the Prompt Payment Act may be submitted to mediation in accordance with N.J.S.A. 40A:11-50.

14. POLITICAL CONTRIBUTION DISCLOSURE. This contract will be awarded to Respondent based on the merits and abilities of Respondent to provide the goods or services as described herein. This contract will be awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.5 et seq. and Chapter 10 of the Code of the Township of Moorestown (attached hereto and which disqualifies Respondents who have made certain political contributions.)

GENERAL REQUIREMENTS - RFP SUBMISSION

Interested parties wishing to provide a proposal in response to this solicitation shall provide the following minimum information in its proposal. Proposals will not be accepted after the time and date listed on page 1 of this RFP.

1. Full name and business address of entity or person submitting the proposal, and the name and contact information for the key contact person.
2. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) and its ownership and organizational structure.
3. Number of years the organization has been in business under the present name, and the number of years the business organization has been under the current management.
4. A cover letter addressing how the Respondent meets “NEEDS OF THE MUNICIPALITY AND EXPECTED EXPERIENCE” as set forth earlier in this RFP.
5. A resume for each individual to perform services under this contract.
6. A description of the services that will be provided to Moorestown Township.
7. Proof of Insurance.
8. A statement that applicant complies with the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et. seq., and the Affirmative Action Law of the State of New Jersey, P.L. 1975 C. 127; N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 and of P.L. 1963, c. 150 (Prevailing Wage) and Americans with Disabilities Act of 1990 (42 U.S.C. 12101, et seq.); and N.J.S.A. 19:44A-20.5 et seq. (Pay to Play).
9. The name and addresses of at least three (3) references consisting of clients for which the applicant has provided services in the past five (5) years, which should include at least one (1) municipal entity client.
10. A list and description of all professional liability claims, if any, brought against the applicant during the past five (5) years.
11. A statement of any and all professional service fees to be charged.

BASIS OF AWARD OF PROFESSIONAL SERVICES CONTRACT

Moorestown Township shall award a professional service agreement based upon qualifications, merit, cost competitiveness, references and experience. The final determination will be based upon the most advantageous price and other factors to Moorestown Township.

ADDITIONAL SUBMISSION REQUIREMENTS

See page 24 for list of required documents. It is preferred that all documents listed be submitted with your proposal. However, items shown in bold italics may be submitted prior to award of a contract.

NON-COLLUSION CERTIFICATION

The undersigned Respondent hereby specifically certifies that, to the best of his knowledge and belief, the annexed proposal has not been prepared in collusion with any other Respondent of like item or services and that the price, discounts, terms, and conditions thereof have not been directly or indirectly communicated by or on behalf of said Respondent to any such person other than the recipient of such proposal and will not be communicated to any such person prior to the official opening of the proposal.

Respondent fully understands that no premiums, rebates, or gratuities are permitted, either, with, prior to, or after signing of contract. Any such violation will result in cancellation of the proposal and the removal from the list of vendors.

The undersigned Respondent further certifies that he has the necessary authority to sign this stipulation stating that he has not entered into an agreement or otherwise taken any action in restraint of free competitive contracting in connection with this project.

This certification may be treated, for all intent and purposes, as if it were a sworn statement made under oath, and is made subject to the provisions of 28 U. S.C. 1001, relating to the making of false statements.

Signature _____

Type or Print Name as Signed Title _____

Title _____

Company:

Date: _____

AFFIRMATIVE ACTION COMPLIANCE NOTICE
N.J.S.A. 10:5-31 and N.J.A.C. 17:27

GOODS AND SERVICES CONTRACTS
(INCLUDING PROFESSIONAL SERVICES)

This form is a summary of the successful bidder's requirement to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

The successful bidder shall submit to the public agency, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

- (a) A photocopy of a valid letter that the contractor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter); OR
- (b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-4; OR
- (c) A photocopy of an Employee Information Report (Form AA302) provided by the Division and distributed to the public agency to be completed by the contractor in accordance with N.J.A.C. 17:27-4.

The successful vendor may obtain the Affirmative Action Employee Information Report (AA302) from the Contracting unit during normal business hours.

The successful vendor(s) must submit the copies of the AA302 Report to the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts (Division). The Public Agency copy is submitted to the public agency, and the vendor copy is retained by the vendor.

The undersigned vendor certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27.1 et seq. and agrees to furnish the required forms of evidence.

The undersigned vendor further understands that his/her bid shall be rejected as non-responsive if said contractor fails to comply with the requirements of N.J.S.A. 10:5-31 and N.J.A.C. 17:27-1 et seq.

COMPANY: _____ SIGNATURE: _____
PRINT NAME: _____ TITLE: _____
DATE: _____

For information on the requirements of the Affirmative Action Law, contact:
Division of Contract Compliance & Equal Employment Opportunity in Public Contracting
Department of the Treasury
State of New Jersey
P.O. Box 209
Trenton, NJ 08625-0209
609-292-5473
E-mail: www.state.nj.us/treasury/contract_compliance/ccmail.html

TOWNSHIP OF MOORESTOWN
2019 Professional Services
for
Utilities and Stormwater Counsel

AFFIDAVIT OF RESPONDENT

STATEMENT: The undersigned hereby declares that he/she has carefully examined the Request for Proposals Document for the procurement above-named; that the proposal is submitted in compliance with P.L. 1975, C.127 (N.J.A.C.) 17:27), New Jersey's Affirmative Action Employment Law; that this proposal is submitted without any previous understanding agreement or connection with any other person, firm, or a corporation making a bid for the same purpose, and is in all respects fair and without collusion or fraud; that he/she will contract to carry out the contract in accordance with the specifications and on time; and that this proposal is submitted with no member of the Council of the Township of Moorestown, nor any officer, employee or person whose salary is paid by the Township being directly or indirectly interested in this bid or in the supplies, materials, equipment, work or service to which this bid relates, or any portion of the profits thereof.

NOTICE: Respondent shall explain all exceptions to the specifications on a separate page and attach said exceptions to their proposal. The Township of Moorestown reserves the right to reject any or all proposals. Respondent shall supply any appropriate literature on the product(s) and/or service(s).

CERTIFICATION: The undersigned, an authorized representative, declares that I have carefully examined the Request for Proposals Document and am familiar with the work to be bid and will supply the required product, goods and/or services to the Township of Moorestown in accordance with this document.

The undersigned is: _____ an individual _____ a Partnership under the laws of the State of _____
_____ a Corporation of _____ having principal offices at _____
_____.

Federal ID Number: _____

Representative: _____

Signature: _____

Address: _____

Telephone: _____

Telecopier: _____

e-mail : _____

Dated: _____

SEAL

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

“Professional” Business Entities receiving contracts from Moorestown Township are subject to the provisions Chapter 10 of the Code of the Township of Moorestown and P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). Ten (10) days prior to the award of such a contract, the entity shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
 - of the public entity awarding the contract
 - of that county in which that public entity is located
 - of another public entity within that county or
 - of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the local committees that exceed \$300, or any County that exceeds \$500, annually (12 months prior to award of the contract). See Chapter 10 of the Code of the Township of Moorestown and N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

Chapter 10 of the Code of the Township of Moorestown and N.J.S.A. 52:34-25(b) itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest:” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the entity identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the entity’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the entity’s submission and is disclosable to the public under the Open Public Records Act.

The entity must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law.

* N.J.S.A. 19:44A-3(s): “The term “legislative leadership committee” means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures.” **A copy of Chapter 10 of the Code of the Township of Moorestown is attached.**

List of Agencies with Elected Officials Required for Political Contribution Disclosure (N.J.S.A. 52:34-25)

County Name: **Any and All Counties (Party Committee or Political Action Committee)**

State: Governor, and Legislative Leadership Committees

Legislative District: 7 State Senator and two members of the General Assembly per district

County: Freeholders County Clerk Sheriff Surrogate

Municipalities (Mayor and members of governing body, regardless of title):

Bass River Township	Florence Township	Pemberton Township
Beverly City	Hainesport Township	Riverside Township
Bordentown City	Lumberton Township	Riverton Borough
Bordentown Township	Mansfield Township	Shamong Township
Burlington City	Maple Shade Borough	Southampton Township
Burlington Township	Medford Lakes Borough	Springfield Township
Chesterfield Township	Medford Township	Tabernacle Township
Cinnaminson Township	Moorestown Township	Washington Township
Delanco Township	Mount Holly Township	Westampton Township
Delran Township	Mount Laurel Township	Willingboro Township
Eastampton Township	New Hanover Township	Woodland Township
Edgewater Park Township	North Hanover Township	Wrightstown Borough
Evesham Township	Palmyra Borough	
Fieldsboro Borough	Pemberton Borough	

Boards of Education (Members of the Board):

Bass River Township	Lenape Regional	Pemberton Township
Beverly City	Lumberton Township	Rancocas Valley Regional
Bordentown Regional	Mansfield Township	Riverside Township
Burlington City	Maple Shade Township	Riverton
Burlington Township	Medford Lakes Borough	Shamong Township
Chesterfield Township	Medford Township	Southampton Township
Cinnaminson Township	Moorestown Township	Springfield Township
Delanco Township	Mount Holly Township	Tabernacle Township
Delran Township	Mount Laurel Township	Washington Township
Eastampton Township	New Hanover Township	Westampton
Edgewater Park Township	North Hanover Township	Willingboro Township
Evesham Township	Northern Burlington Regional	Woodland Township
Florence Township	Palmyra Borough	
Hainesport Township	Pemberton Borough	

Fire Districts (Board of Fire Commissioners):

Beverly City Fire District No. 1	Moorestown Township Fire District No. 1
Bordentown Township Fire District No. 1	Moorestown Township Fire District No. 2
Bordentown Township Fire District No. 2	Mount Holly Township Fire District No. 1
Burlington Township Fire District No. 1	Mount Laurel Township Fire District No. 1
Chesterfield-Hamilton Fire District No. 1	Riverside Township Fire District No. 1
Chesterfield Township Fire District No. 2	Tabernacle Township Fire District No. 1
Cinnaminson Township Fire District No. 1	
Delanco Township Fire District No. 1	
Delran Township Fire District No. 1	
Eastampton Township Fire District No. 1	
Edgewater Park Township Fire District No. 1	
Evesham Township Fire District No. 1	
Florence Township Fire District No. 1	

STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business:

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

Partnership

Corporation

Sole Proprietorship

Limited Partnership

Limited Liability Corporation

Limited Liability Partnership

Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:

Subscribed and sworn before me this ___ day of _____, 2__.	_____
(Notary Public)	(Affiant)
My Commission expires:	_____
	(Print name & title of affiant)
	(Corporate Seal)

BUSINESS ENTITY DISCLOSURE CERTIFICATION
TOWNSHIP OF MOORESTOWN

Pursuant to Chapter 10 of the Code of the Township of Moorestown

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

“business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

“interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~

**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:* “The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

**Chapter 10 of the Code of the Township of Moorestown.** A copy of Chapter 10 is attached.

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
**TOWNSHIP OF MOORESTOWN**

*Pursuant to Chapter 10 of the Code of the Township of Moorestown*

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that

\_\_\_\_\_  
 Name of Business Entity

has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. and Chapter 10 of the Code of the Township of Moorestown that would bar the award of this contract in the one year period preceding

\_\_\_\_\_  
 Date of Award of Contract by Governing Body or Appointing Authority

to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the

\_\_\_\_\_  
 Township of Moorestown

Name of Entity of Elected Officials

as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

| REPUBLICAN                                                                                                                         | DEMOCRAT                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| EFO Manuel Delgado<br>EFO Jamie Boren<br>EFO Mike Locatell<br>EFO Victoria Napolitano<br>Moorestown Republican Municipal Committee | Donnelly for Moorestown Council<br>Gillespie for Moorestown Council<br>Gillespie and Donnelly for Moorestown Council<br>Moorestown Democrats |

**Part II – Ownership Disclosure Certification**

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

**Check the box that represents the type of business entity:**

- Partnership     
  Corporation     
  Sole Proprietorship     
  Subchapter S Corporation  
 Limited Partnership   
  Limited Liability Corporation     
  Limited Liability Partnership

| Name of Stock or Shareholder | Home Address |
|------------------------------|--------------|
|                              |              |
|                              |              |
|                              |              |
|                              |              |

**Part 3 – Signature and Attestation:**

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: \_\_\_\_\_

Signed: \_\_\_\_\_ Title: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

|                                                                                                              |                                                                                     |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Subscribed and sworn before me<br>this ___ day of _____, 201__.<br><br>_____<br>My Commission expires: _____ | _____<br>(Affiant)<br><br>_____<br>(Print name & title of affiant) (Corporate Seal) |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|

CERTIFICATION

I, \_\_\_\_\_, on behalf of \_\_\_\_\_,  
(person authorized to sign) (individual or company)

do hereby certify that I have read, understand, meet and will continue to comply with the provisions of Chapter 10 of the Code of the Township of Moorestown entitled *Contracts* (copy attached).

I am aware that if I am awarded that contract and any statements made by me are willfully false, I am subject to punishment.

\_\_\_\_\_  
Authorized Signature

DATED: \_\_\_\_\_, 2019

## CHAPTER 10 CONTRACTS

**[HISTORY: Adopted by the Township Council of the Township of Moorestown as indicated in article histories. Amendments noted where applicable.]**

### ARTICLE I Awarding of Public Contracts

**Adopted 11-17-2008 by Ord. No. 32-2008**

*Editor's Note: This preamble to this ordinance also stated: "The policy of the Township of Moorestown will be to set maximum amounts professional business entities may contribute politically beyond which they become ineligible to receive a public professional service contract from the Township of Moorestown."*

#### **§ 10-1 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 professional, banking, insurance coverage services or any other consulting services from any professional business entity, including those awarded pursuant to a "fair and open" process, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to any Moorestown Township municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to any Moorestown Township party committee, or to any political action committee (PAC) that regularly engages in the support of Township elections in excess of the thresholds specified in Subsection **C** within one calendar year immediately preceding the date of the contract or agreement. **[Amended 10-5-2009 by Ord. No. 23-2009]**

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, banking or insurance coverage services or any other consulting services, including those awarded pursuant to a "fair and open" process, shall solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Moorestown Township municipal candidate or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to any Moorestown Township party committee, or to any PAC that regularly engages in the support of Township elections or Township parties 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. **[Amended 10-5-2009 by Ord. No. 23-2009]**

C. Contribution limits. **[Amended 10-5-2009 by Ord. No. 23-2009]**

(1) Subject to the limitations in Subsection **C(2)**, any entity meeting the definition of "professional business entity" under this section may annually contribute a maximum of \$300 for any purpose to each candidate, for council, or \$300 to each Moorestown Township party committee, or \$500 to a PAC referenced in this article, without violating Subsection **A** of this section.

(2) However, any entity meeting the definition of "professional business entity" under this section, including such principals, partners, and officers of the entity in the aggregate, may not annually contribute for any purpose in excess of a total of \$2,500 to all Moorestown Township candidates and officeholders with ultimate responsibility for the award of the contract and all Moorestown Township political parties and PACs referenced in this article combined, without violating Subsection [A](#) of this section.

D. For purposes of this article, a "professional business entity" is any entity seeking or performing a public contract for professional, banking or insurance coverage services or any other consulting services and which may be 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 business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

E. No Moorestown Township candidate for council, officeholder, political party committee or PAC shall solicit any contribution or funds from any state or county political party or committee or PAC for the purpose of supporting the election of any Council candidate or officeholder. **[Added 10-5-2009 by Ord. No. 23-2009]**

**§ 10-2 Contributions made prior to effective date.**

**[Amended 10-5-2009 by Ord. No. 23-2009]**

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any Township candidate for Council, or Township party committee or PAC referenced in this article 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.

**§ 10-3 Contribution statement by professional business entity.**

A. Prior to awarding any contract or agreement to procure professional services, or banking or insurance coverage services or any other consulting 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 offer or has not made a contribution in violation of [§ 10-1](#) of this article.

B. The professional business entity shall have a continuing duty to report any violations of this article 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.

**§ 10-4 Return of excess contributions.**

**[Amended 10-5-2009 by Ord. No. 23-2009]**

A professional business entity or Township candidate or officeholder or Township party committee or PAC referenced in this article may cure a violation of § [10-1](#) of this article if, within 30 days after the contribution, the professional business entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the Township candidate or Township political party or PAC referenced in this article.

#### § 10-5 Violations and penalties.

A. It shall be a breach of the terms of the Moorestown Township professional service agreement for a business entity to:

- (1) Make or solicit a contribution in violation of this article;
- (2) Knowingly conceal or misrepresent a contribution given or received;
- (3) Make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;
- (4) Make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Moorestown Township;
- (5) Engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which, if made or solicited by the business entity itself, would subject that entity to the restrictions of this article;
- (6) Fund contributions made by third parties, including consultants, attorneys, family members, and employees;
- (7) Engage in any exchange of contributions to circumvent the intent of this article; or
- (8) Directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this article.

B. Furthermore, any professional business entity who violates Subsection [A\(2\)](#) through [\(8\)](#) shall be disqualified from eligibility for future Moorestown Township contracts for a period of four calendar years from the date of the violation.

#### § 10-6 When effective.

This article shall become effective 20 days following the earlier of final adoption thereof by the Township Council of Moorestown Township; or the date on which the passage of this article as a public question is certified pursuant to N.J.S.A. 19:20-9 or other applicable law, and shall be published as required by law.

**DOCUMENT SUBMISSION CHECKLIST**

**Township of Moorestown**  
*2019 Professional Services*  
*for*  
***Utilities and Stormwater Counsel***

It is preferred that all documents listed below be submitted with your proposal. However, items shown in ***bold italics*** below may be submitted prior to award of a contract. Please initial items that are submitted with your proposal. Accompanying this proposal are:

- \_\_\_\_\_ Qualifications and Proposal (Original and 4 copies, plus CD)
- \_\_\_\_\_ Executed Stockholders Disclosure Statement
- \_\_\_\_\_ Executed Affirmative Action Compliance Notice
- \_\_\_\_\_ Non-Collusion Affidavit
- \_\_\_\_\_ Affidavit of Respondent
- \_\_\_\_\_ Completed and executed Political Contribution Disclosure form  
(including Stockholder Disclosure Certification)
- \_\_\_\_\_ Completed and executed Business Entity Disclosure Certification
- \_\_\_\_\_ Executed Chapter 10 Certification. A copy of Chapter 10 is attached and hereby  
made a part of the Request for Proposal. Said provisions of the Chapter, along with  
the executed Certification (below), will be made part of any contract that may be  
awarded to consultant.
- \_\_\_\_\_ ***New Jersey Business Registration Certificate. (N.J.S.A. 53:32-44)***
- \_\_\_\_\_ ***Certificate of Employee Information Report***
- \_\_\_\_\_ ***Proof of Insurance with minimum coverage required (Certificate specifically  
naming Moorestown as an additional insured must be submitted prior to contract  
execution)***

The undersigned hereby acknowledges and has submitted the above listed requirements.

Name of Respondent: \_\_\_\_\_  
By Authorized Representative: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Printed Name and Title: \_\_\_\_\_  
Date: \_\_\_\_\_