

**BOROUGH OF EATONTOWN
MONMOUTH COUNTY, NEW JERSEY**

CONTRACT PAPERWORK



Please complete and return to:

**Borough of Eatontown
Att: Julie Martin, Municipal Clerk/Purchasing Agent
47 Broad Street
Eatontown, New Jersey 07724**

NEW JERSEY BUSINESS REGISTRATION

REQUIREMENTS – Non-Construction

All New Jersey and out of state business organizations must obtain a Business Registration Certificate (BRC) from the Department of Treasury, Division of Revenue, prior to conducting business in the State of New Jersey. Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, must be submitted with this proposal. No contract will be awarded without proof of business registration with the Division of Revenue. The contract will contain provisions in compliance with N.J.S.A. 52:32-44, as amended, outlined below.

The contractor shall provide written notice to its subcontractors and suppliers of the responsibility to submit proof of business registration to the contractor. Before final payment of the contract is made by the contracting agency, the contractor shall submit an accurate list and 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 each of its affiliates and each 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" (N.J.S.A. 54:32 B-1, et seq.) on all sales of tangible personal property delivered into this state.

A business organization that fails to provide a copy of a registration as required pursuant to section 1 of P.L. 2001, c.134 (N.J.S.A. 52:32-44 et seq.) or subsection e. or f. of section 92 of P.L. 1977, c.110 (N.J.S.A. 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 \$25.00 for each day of violation, not to exceed \$50,000.00 for each business registration copy not properly provided under a contract with a contracting agency.

Other forms, such as a Certificate of Authority to collect Sales and Use Taxes or a Certificate of Employee Information Report Approval, are not acceptable.

Any questions in this regard can be directed to the Division of Revenue at (609) 292-1730. Form NJ-REG can be filed online at: <http://www.state.nj.us/treasury/revenue/gettingregistered.htm#busentity>

AFFIRMATION – Local Pay to Play Ordinance**BOROUGH OF EATONTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY****Affirmation of Local Pay to Play Ordinance**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that [insert Respondent name] has reviewed Ordinance 02-2009 of the Borough of Eatontown and certifies that it has not solicited or made and will not solicit or make any contributions in violation of the terms of Said Ordinance. 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 the law.

Signature

Dated: _____

Print or Type Name and Title

Corporate Seal:

State of New Jersey

County of _____

Subscribed and sworn before me this _____ day of _____, 20_____

Notary Public

My Commission Expires:

To review ordinance 02-2009 and the important definitions and thresholds set forth therein, vendors may view the Borough Code by going to the Borough's website www.eatontownnj.com and clicking on [eCode](#).

**ORDINANCE 02-2009 ADOPTING SPECIAL PAY-TO-PLAY RESTRICTIONS FOR PROFESSIONAL SERVICE CONTRACTS,
EXTRAORDINARY UNSPECIFIABLE SERVICE CONTRACTS AND DEVELOPERS AND RE-DEVELOPERS**

WHEREAS, substantial political contributions from those seeking to or performing business within the Borough of Eatontown raise reasonable concerns on the part of taxpayers and residents as to their trust in government contracts; and

WHEREAS, the Legislature adopted Pay to Play Legislation, P.L.2005, c.271., which affirmed that municipalities are authorized to adopt by ordinance measures limited the awarding of public contracts to business entities that have made political contributions and limited the contributions that the holders of a contract can make during the term of a contract; and

WHEREAS, pursuant to P.L. 2005, c.271., business entities receiving no-bid contracts are required to submit a list of political contributions that were made by the business entity during the preceding 12-month period; and

WHEREAS, the Council of the Borough of Eatontown hereby declares that upon the effective date of this ordinance all professional and extraordinary unspecifiable service contracts shall be subject to the restrictions contained herein; and

WHEREAS, it has become more frequent for developers and redevelopers to make substantial political contributions to the election campaigns for local government offices, and to the political parties which support them; and

WHEREAS, the local government officials are, once elected, responsible for deciding the terms of a development and/or redevelopment agreement; and

WHEREAS, political contributions from developers entering into agreements for development and/or redevelopment projects approved by the elected officials who receive such contributions raises reasonable concerns on the part of taxpayers and residents as to their trust in the process of local redevelopment, including but not limited to redevelopment decisions on tax abatements, zoning densities, publicly funded infrastructure improvements, and acquisition of property rights pursuant to eminent domain; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. provides a mechanism to empower and assist local governments in efforts to promote programs for redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-8 allows municipalities or a designated redevelopment entity to enter into agreements with redevelopers for planning, replanning, construction or undertaking of any project or redevelopment work without public bidding and at such prices and upon such terms as it deems reasonable within areas designated for redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-11 provides that redevelopment entities are instrumentalities of the municipality; and

WHEREAS, both the exceptions to the Open Public Meetings Act, more specifically N.J.S.A. 10:4-12b and N.J.S.A. 40A:12A-8, provide that negotiations for such agreements can be conducted in executive session, provided the full terms of any such agreements are discussed and approved in open session; and

WHEREAS, the Borough of Eatontown has declared, or in the future may declare, certain areas to be "Areas in Need of Redevelopment" under the Local Redevelopment and Housing Law, and may adopt a Redevelopment Plan; and

WHEREAS, given the potential of negotiating with private developers and/or redevelopers and the entering into developer agreements upon receipt of land use approvals pursuant to the Municipal Land Use Law or agreements with redevelopers without a formal public bidding process, as permitted by the Local Redevelopment and Housing Law, it is necessary to establish certain limitations on political contributions which may undermine public confidence in any redevelopment effort; and

WHEREAS, the policy of the Borough of Eatontown will be to create such a regulation which states that any entity or individual seeking to enter into a developer's agreement, a redevelopment agreement or amendment thereto, or is otherwise seeking to obtain rights to develop pursuant to a redevelopment agreement and who makes political contributions to Borough of Eatontown elected officials and/or candidates for local office, and local and Borough political committees, will be ineligible to enter into such agreements, or receive such rights from the Borough of Eatontown; and

WHEREAS, in the interest of good government, the Borough Council of the Borough of Eatontown desires to establish a policy that will avoid the perception of improper influence in awarding government contracts.

NOW, THEREFORE, IT IS HEREBY ORDAINED, by the Municipal Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that Code of the Borough of Eatontown is supplemented by the addition of Chapter 235 entitled "Pay-to-Play Restrictions" which includes the following:

§235-1. Prohibition on Awarding Public Contracts to Certain Contributors.

(a) The Borough of Eatontown and any of its purchasing agents or departments or instrumentalities of the Borough thereof, as the case may be, shall not enter into any agreement or otherwise contract to procure services from any "business entity" as defined herein, including those awarded pursuant to any process, including a fair and open process, regardless of the amount of the contact, if such "business entity" has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, in excess of the thresholds specified in subsection 1(d) within one calendar year immediately preceding the Borough's public announcement of or private solicitation of a request for proposals, to:

- (i) Any Borough candidate or holder of a public office having ultimate responsibility for the award of the contract, or
- (ii) any campaign committee of such a candidate or holder of public office, or
- (iii) any Borough of Eatontown municipal party, or
- (iv) any county party committee within the State of New Jersey, or
- (v) any candidate committee, state or Borough political party committee, legislative leadership committee, continuing political committee or political action committee (PAC) organized under §572 of the Internal Revenue Code, that is organized for the purpose of supporting Borough candidates or Borough officeholders and/or that has within the last calendar year provided financial or in-kind support to Borough of Eatontown municipal elections and/or Borough of Eatontown municipal or Borough parties.

(b) No “business entity” that submits a proposal for, or agrees to any contract or agreement (including non-emergency contracts awarded by N.J.S.A. 40A:11 *et seq.* or the “Fair and Open Process” pursuant to N.J.S.A. 19:44A-20 *et seq.*) with the Borough or any departments thereof, as the case may be, shall knowingly solicit or make any contribution of money, pledge of contribution, including in-kind contributions in excess of the thresholds specified in subsection 1(d), between the time of the first public announcement or private solicitation of a request for proposals, as the case may be, and the later of the awarding of the contract to another proposer, or written withdrawal of the proposal, or, as to the successful applicant, the completion of the contract or agreement, except as permitted in section 1(d) to:

- (i) any Borough candidate or holder of public office having ultimate responsibility for the award of the contract, or
- (ii) any campaign committee of such a candidate or holder of public office, or
- (iii) any Borough of Eatontown municipal party; or
- (iv) any county party committee within the State of New Jersey; or
- (v) any candidate committee, state or Borough political party committee, legislative leadership committee, continuing political committee or political action committee (PAC) organized under §527 of the Internal Revenue Code, that is organized for the purpose of supporting Borough candidates or Borough officeholders and/or that has within the last calendar year provided financial or in-kind support to Borough of Eatontown municipal elections and/or Borough of Eatontown municipal or Borough parties.

(c) For purposes of this ordinance, a “business entity” seeking a public contract means:

- (i) any professional or provider of extraordinary unspecifiable services as defined in N.J.S.A. 40A:11-5(1)(a), and
- (ii) 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 “business entity” includes all principals who own 1% or more of the equity in the corporation, limited liability company (“LLC”), business trust, partnership, and/or limited liability partnership and any officers duly appointed and/or employed by corporations and or LLCs., as well as any subsidiaries directly controlled by the business entity.

(iii) A “business entity” does not include not-for-profit organizations or their officers or board members.

(d) Any individual meeting the definition of “business entity” under this section may annually contribute a maximum of \$300 each for any purpose to any candidate for Borough of Eatontown office, municipal party committees within Borough of Eatontown, county party committee, and \$300 to any state political party committee, candidate committee or political action committee (PAC) organized under §527 of the Internal Revenue Code, that is organized for the purpose of supporting Borough candidates or Borough officeholders, without violating subsection (a) or (b) of this section. However, any group of individuals meeting the definition of “business entity” under this section, including principals, partners, and officers of the entity in the aggregate, may not contribute for any purpose in excess of \$300 to all Borough of Eatontown candidates and officeholders with ultimate responsibility for the award of the contract, and all municipal or Borough political parties, candidate committees, county political parties, and state political parties, legislative leadership committees, continuing political committee, and/or PACs that is organized for the purpose of supporting Borough candidates or Borough officeholders, without violating subsection (a) or (b) of this section.

(e) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be the Borough of Eatontown and any of its political sub-divisions, or any individual who is responsible for the award of a contract and is appointed by the Borough of Eatontown, including the Borough Council and the Mayor.

§235-2. Contributions Made Prior to the Effective Date.

This ordinance does not apply retroactively. Political contributions, whether monetary or “in-kind,” made prior to the effective date of this ordinance shall not be deemed to be a violation of this ordinance.

§235-3. Disclosure & Contribution Statement by Professional Business Entity and Provider of Extraordinary Unspecifiable Services.

(a) Any business entity seeking a contract with the Borough shall file the disclosure statements as required by P.L. 2005, c.271 (“Chapter 271 Disclosure Forms”), which must be filed no later than ten days prior to the awarding of a contract or

agreement to procure services. The Borough or any of its purchasing agents or agencies, as the case may be, shall maintain a copy of all Chapter 271 Disclosure Forms and such documents shall be subject to the requirements of the Open Public Records Act.

- (b) The "business entity" will make the statement knowing that under penalty of perjury that it has not made a contribution in violation of the Ordinance hereof and has not made or solicited contributions through intermediaries, third parties, immediate relatives, candidate committees, or Political Action Committees for the purpose of concealing the source of the contributor(s).
- (c) Filing an incorrect Chapter 271 Disclosure Form may be deemed a breach of the contract and shall result in the "business entity" being debarred from being awarded any Borough contract for a period of one year.
- (d) The "business entity" shall have a continuing duty to report any violations of this Ordinance that may occur during the duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with Borough of Eatontown and shall be in addition to any other certifications that may be required by any other provision of law. At a minimum, completion of the Chapter 271 Disclosure Statement will be an annual requirement of the "business entity."
- (e) The annual Disclosure Form shall be filed within twenty (20) days following each anniversary of the proposal, if for a multi-year agreement.

§235-4. Prohibition of entering into and/or amending development and/or redevelopment agreements with certain contributors.

(a). Any other provision of law to the contrary notwithstanding, the Borough of Eatontown 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, amend an agreement, or otherwise contract with any developer and/or redeveloper, as defined in subsection (c). below, for the planning; replanning, construction or undertaking of any development and/or redevelopment project including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the Borough of Eatontown pursuant to the Local Redevelopment and Housing Law and/or the Municipal Land Use Law, if that developer and/or redeveloper has knowingly solicited or made any contribution of money, pledge of contribution, including in-kind contributions in excess of the thresholds specified in Section 1(d) above, within one calendar year immediately preceding the date of entering into the developers agreement, redevelopment agreement, amended agreement, or contract (hereinafter "agreement"), except as permitted in Section 1(d) above to:

- (i) any Borough candidate or holder of public office having ultimate responsibility for the award of the contract, or
- (ii) any campaign committee of such a candidate or holder of public office, or
- (iii) any Borough of Eatontown municipal party committee; or
- (iv) any county party committee within the State of New Jersey; or
- (v) any candidate committee, state political party committee, legislative leadership committee, continuing political committee or political action committee (PAC) organized under §527 of the Internal Revenue Code, that is organized for the purpose of supporting Borough candidates or Borough officeholders and/or that has within the last calendar year provided financial or in-kind support to Borough of Eatontown municipal elections and/or Borough of Eatontown municipal or Borough parties.

(b). All Developer Agreements or amendments thereto and/or Redevelopment Agreements entered into by the Borough of Eatontown shall contain a provision prohibiting developers and/or redevelopers, as defined in subsection (c) below, to solicit or make any contribution in excess of the thresholds specified in Section 1 subsection (d) above.

(c). A "developer" or "redeveloper" means any person, firm, corporation, partnership, limited liability company, organization, association, or public body that shall enter into or propose to enter into an agreement with a municipality or other redevelopment entity for the development of property pursuant to the Municipal Land Use Law, redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of the Local Redevelopment and Housing Law, or for any construction or other work forming part of a development or redevelopment or rehabilitation project. For the purposes of this section the definition of a developer or redeveloper 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 developer and/or redeveloper as well as any affiliates or subsidiaries directly controlled by the developer or redeveloper. Spouses and any child/children shall also be included.

§235-5. Contribution Statement of Developers and/or Redevelopers; Notice given by Municipality.

(a). Prior to arranging and entering into a Developer's Agreement or Redevelopment Agreement with any developer or redeveloper, the Borough of Eatontown or any of its purchasing agents or agencies or independent authorities, as the case may be, shall receive a sworn statement from the developer or redeveloper that the developer or redeveloper has not

made any contribution in violation of Section 1, subsection (d) above. The Borough of Eatontown, through any appropriate redevelopment agent, agency, officer, authority, or department, shall be responsible for informing the Mayor and the Borough Council that the aforementioned sworn statement has been received and that the developer or redeveloper is not in violation of this Ordinance, prior to entering into any Developer's Agreement or Redevelopment Agreement. Furthermore, the developer or redeveloper shall have a continuing duty to report any violations of this chapter that may occur while arranging and entering into the Developer's Agreement or redevelopment agreement, and until all specified terms or time period of the agreement have been completed. The certification required under this subsection shall be made prior to entry into the agreement with the municipality and shall be in addition to any other certifications that may be required by any other provision of law.

(b). It shall be the Borough's continuing responsibility to give notice of this Ordinance to all developers who file any application with the municipality, its land use boards and/or any of its political subdivisions, including but not limited to the Planning Board or Zoning Board, to develop any tract of land within the municipality and/or when the municipality gives notice of redevelopment pursuant to 40A:12A-6 and/or when the municipality adopts a ordinance directing the Planning Board to prepare a redevelopment plan and at the time that the municipality adopts the ordinance to implement the redevelopment plan.

§235-6. Contribution restrictions and disclosure requirement applicability to consultants.

(a). The contribution and disclosure requirements in this chapter shall apply to all developers and/or redevelopers as well as professionals, consultants or lobbyists contracted or employed by the developer and/or redeveloper including those ultimately, designated by the developer/redeveloper to provide services related to the: (i) lobbying of government officials in connection with the examination of an area and its designation as an area in need of redevelopment or in connection with the preparation, consultation and adoption of the redevelopment plan; (ii) obtaining the designation or appointment as redeveloper; (iii) negotiating the terms of a developer's agreement or redevelopment agreement or any amendments or modifications thereto; and (iv) performing the terms of a developer's agreement or redevelopment agreement.

(b). It shall be a breach of the consultant's contract with the developer and/or redeveloper, and shall require immediate termination, for a consultant to violate the contribution limits and disclosure requirements in this ordinance.

(c). A developer or redeveloper who participates in, or facilitates, the circumvention of the contribution restrictions through consultants or professionals shall be deemed to be in breach of its approvals with the land use board and/or the Borough.

§235-7. Return of Excess Contributions.

A "business entity," developer, or redeveloper, or Borough of Eatontown candidate or officeholder, or municipal, county or state party committee, candidate committee, legislative leadership committee, continuing political committee or PAC referenced in this ordinance, may cure a violation of Section 1 of this Ordinance, if, within 30 days after the applicable ELEC report, the "business entity" notifies the Borough of Eatontown in writing and seeks and receives reimbursement of the contribution from the relevant candidate or officeholder, municipal or county political party, state political party, candidate committee, legislative leadership committee, continuing political committee, or PAC referenced in this ordinance.

§235-8. Penalty and Anti-Circumvention Provision.

(a) It shall be a breach of a contract with Borough of Eatontown for a "business entity," developer or redeveloper to (i) make or solicit a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit a contribution through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition of or with the agreement that it will be contributed to a campaign committee of any candidate or holder of public office of the Borough of Eatontown; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make any contribution, which if made or solicited by the "business entity" itself, would violate this ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members and employees; (vii) engage in any exchange of contribution to circumvent the intent of this ordinance; or (viii) directly or indirectly, through or by any other person or means do any act which would violate this ordinance.

(b) Furthermore, any "business entity," developer or redeveloper that violates § 8(a)ii-viii shall be debarred from eligibility for future Borough of Eatontown contracts or for entering into a developer's agreement or redevelopment agreement for a period of one (1) calendar year from the date of the violation.

§235-9. Anti-Wheeling Restrictions.

(a) No candidate committee for any candidate for Borough of Eatontown office shall accept a contribution from a Borough of Eatontown municipal party in excess of \$300 per election.

(b) No candidate committee for any candidate for Borough of Eatontown shall accept a contribution from a county political party in excess of \$300 per election.

- (c) No candidate committee for any candidate for Borough of Eatontown shall accept a contribution from a state political party in excess of \$300 per election.
- (d) No candidate committee for any candidate for Borough of Eatontown office shall accept a contribution from a legislative leadership committee in excess of \$300 per election.
- (e) No candidate committee for any candidate for Borough of Eatontown shall accept a contribution from a continuing political committee or PAC organized under §527 of the Internal Revenue Code in excess of \$300 per election.
- (f) No candidate committee for any candidate for Borough of Eatontown office shall accept a contribution from another candidate committee, other than from a candidate committee located in at least part of Borough of Eatontown, in excess of \$300 per election.
- (g) Any candidate or candidate committee who has taken contributions in excess of those outlined in Section 8(a)-(f) of this Ordinance shall be subject to a fine not exceeding \$2,000 per violation, pursuant to N.J.S.A. 40:49-5.

§235-10. Severability.

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid by a court of the United States or this State, or by any administrative agency of the United States or this State, the remaining provisions shall remain in effect.

§235-11. Repealer.

This ordinance supplements, but does not supersede the contribution disclosure requirements, under P.L. 2004, c 19, s.7 amended P.L. 2005, c. 51, s. 15 (N.J.S.A. 19:44A-20.8) and P.L. 2005, c. 271, s. 2 (N.J.S.A. 19:44A-20.26), for contracts awarded through other than a fair and open process. All ordinances or parts of ordinances that are inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

§235-12. Incorporation by Reference.

The regulatory and penalty provisions of this Ordinance shall be incorporated by referenced into all Borough of Eatontown contracts for professional services and extraordinary unspecifiable services and developer's agreements and redevelopment agreements.

§235-13. Filing with Secretary of State.

The Clerk of the Borough of Eatontown shall file a certified true copy of this Ordinance with the Secretary of State, in accordance with N.J.S.A. 40A:11-51(c).

§235-14. Effective Date.

This ordinance shall take effect in accordance with law.

DATE INTRODUCED: February 11, 2009

DATE ADOPTED: March 11, 2009

C. 271 POLITICAL CONTRIBUTION DISCLOSURES

Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are awarded pursuant to Borough of Eatontown Ordinance 02-2009 are required to submit a Chapter 271 Disclosures Form. This Ordinance provides that 10 days prior to the award of such a contract, that the contractor shall disclose contributions in conformance with the requirements of P.L. 2005, c. 271, s. 2 (N.J.S.A. 19:44A-20.26):

- Any state, County or Municipal Committee of a political party
- Any Legislative leadership¹
- Any continuation 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
 - 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 committees that exceeds \$300.00 per election cycle that were made during the 12 months prior to award of the contract.

(See: N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions).

N.J.S.A. 52:34-25(b)

Itemizes parties from who 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 assess 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 contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’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 contractor’s submission and is disclosable to the public under the Open Public Records Act.

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

¹ **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.

List of Agencies with Elected Officials Required for Political Contribution Disclosure

Pursuant to Borough of Eatontown Ordinance 02-2009

County Name: Monmouth

State: Governor and Legislative Leadership Committees

Legislative District Numbers: 10, 11, 12, 13 & 30 (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) of the following:

Aberdeen Township	Hazlet Township	Neptune City Borough
Allenhurst Borough	Highlands Borough	Neptune Township
Asbury Park City	Holmdel Township	Ocean Township
Atlantic Highlands Borough	Howell Township	Oceanport Borough
Avon by the Sea Borough	Interlaken Borough	Red Bank Borough
Belmar Borough	Keansburg Borough	Roosevelt Borough
Bradley Beach Borough	Keyport Borough	Rumson Borough
Brielle Borough	Lake Como Borough	Sea Bright Borough
Colts Neck Borough	Little Silver Borough	Sea Girt Borough
Deal Borough	Loch Arbour Village	Shrewsbury Borough
Eatontown Borough	Long Branch City	Shrewsbury Township
Englishtown Borough	Manalapan Township	Spring Lake Borough
Fair Haven Borough	Manasquan Borough	Spring Lake Heights Borough
Farmingdale Borough	Marlboro Township	Tinton Falls Borough
Freehold Borough	Matawan Borough	Union Beach Borough
Freehold Township	Middletown Township	Upper Freehold Township
	Millstone Township	Wall Township
	Monmouth Beach Borough	West Long Branch Borough

Boards Of Education (Members of Board):

Allenhurst Borough	Hazlet Township	Neptune City Borough
Asbury Park City	Henry Hudson Regional	Neptune Township
Atlantic Highlands Borough	Highlands Borough	Ocean Township
Avon by the Sea Borough	Holmdel Township	Oceanport Borough
Belmar Borough	Howell Township	Red Bank Borough
Bradley Beach Borough	Interlaken Borough	Roosevelt Borough
Brielle Borough	Keansburg Borough	Rumson Borough
Colts Neck Borough	Keyport Borough	Sea Bright Borough
Deal Borough	Little Silver Borough	Sea Girt Borough
Eatontown Borough	Long Branch City	Shore Regional
Fair Haven Borough	Manalapan - Englishtown Regional	Shrewsbury Borough
Farmingdale Borough	Manasquan Borough	Spring Lake Borough
Freehold Borough	Marlboro Township	Spring Lake Heights Borough
Freehold Regional	Matawan-Aberdeen Regional	Tinton Falls Borough
	Middletown Township	Union Beach Borough
	Millstone Township	Upper Freehold Regional
	Monmouth Beach Borough	Wall Township
	Monmouth Regional	West Long Branch Borough

Fire Districts (Board of Fire Commissioners):

Aberdeen Twp. Fire Districts 1 & 2	Neptune Twp. Fire Districts 1 & 2
Englishtown Boro. Fire District 1	Ocean Twp. Fire Districts 1 & 2
Freehold Twp. Fire District 1 & 2	Spring Lake Heights Boro Fire District 1
Hazlet Twp. Fire District 1	Tinton Falls Fire District 1 & 2
Howell Twp. Fire Districts 1, 2, 3, 4 & 5	Wall Twp. Fire Districts 1, 2 & 3
Manalapan Twp. Fire Districts 1 & 2	
Manasquan Boro Fire District 1	
Marlboro Twp. Fire Districts 1 & 2	

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM - Required Pursuant to N.J.S.A. 19:44A – 20.26

This form or its permitted facsimile must be submitted to the local unit no later than 10 days prior to award of contract.

BOROUGH OF EATONTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY
C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Part I VENDOR INFORMATION

Vendor Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

State: _____ Zip Code: _____

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provision of N.J.S.A. 19:44A-20.26 and as represented by the instruction accompanying this form.

Signature

Print or Type Name and Title

Dated:

PART II CONTRIBUTION DISCLOSURE

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure form must include all reportable political contributions (more than \$300.00 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provide by the local union.

- Check here if Disclosure is provided in electronic form.
- Check here if additional sheets are used.

Statement of Ownership

BOROUGH OF EATONTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Statement of Ownership

The Contract is (check one):

Individual Partnership P.A. L.L.C. Corporation Joint Venture

Other (specify): _____

I certify that the names and addresses of all persons and entities who own a 10% or greater interest in the Contractor are as follows (if "none" so state):

NAME(s) and ADDRESS(es):

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____

Signature

Print or Type Name of Contractor

Print Name of Chief Executive Officer and Title

Dated

NOTES Check Below if:

- Attached additional sheets as needed
- If an entity owns a 10% or greater interest in the Contract, attach a list of the owners of 10% or greater interest for each such entity. Repeat the process of disclosure as necessary for each tier or level of ownership until the name and address of each persons who owns a 10% or greater interest has been disclosed. If no person or entity owns a 10% or greater interest in a listed entity, so state.

BOROUGH OF EATONTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY
Mandatory Equal Employment Opportunity Language - N.J.S.A. 10:5-31 et. seq., N.J.A.C. 17:21-11
GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

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

- The contractor or subcontractor, where applicable, will not discriminate against an 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, the contractor will ensure that equal employment opportunity is afforded to such applicants for recruitment and employment, 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 equal employment opportunity 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 will send to each labor union, with which it has a collective bargaining agreement, a notice to be provided by the agency contracting officer advising the labor union of the contractor's commitments under this chapter 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 meet targeted county employment goals established in accordance with 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, and labor unions, that it does not discriminate on the basis of age, race, 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 personnel testing conforms with the principals 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 target 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, race, 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.

The contractor shall submit to the public agency, after notification of award but prior to execution of 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** (electronically provided by the Division and distributed to the public agency through the Division's website at: www.state.nj.us/treasury/contract_compliance)
- The contractor and its subcontractor shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office 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 Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

Signature

Print or Type Name and Title

Date

- For goods, professional service and general service contracts, a letter of federal affirmative action plan approval, certificate of employee information report or an employee information report form (AA302) must be submitted at the time of Award. If the vendor/contractor does not submit one of these three (3) documents within the required time period, the Owner may extend the time period to the fourteenth calendar day.
- If by the fourteenth calendar day the Contractor does not submit the Affirmative Action Document, the Owner must declare the vendor/contractor as being non-responsive and award the contract to the next lowest responsible bidder.

IMPORTANT: This form must be completed by the Bidder

DISCLOSURE OF INVESTMENT ACTITIVES IN IRAN

BOROUGH OF EATONTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY DISCLOSURE OF INVESTMENT ACTIVITES IN IRAN

Part I CERTIFICATION

Bidders **MUST COMPLETE** part 1 by checking **EITHER BOX**. **Failure to check a box will render the proposal non-responsive.**

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders **must** review this list prior to completing the below certification. **Failure to complete the certification will render a bidder's proposal non-responsive.** If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

PLEASE CHECK EITHER BOX:

I certify, pursuant to Public Law 2012, c. 25, that neither the person/entity listed above nor any of the entity's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification

OR

I am unable to certify as above because I or the bidding entity and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

Part II

Please provide further information related to investment activities in Iran

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, USE ADDITIONAL PAGES

Check here if you need to make additional entries, and use additional pages

Name: _____ Relationship to Bidder/Vendor: _____

Description of Activities: _____

Duration of Engagement: _____ Anticipated Cessation Date: _____

Bidder/Vendor: _____ Contact Name: _____ Contact Number: _____

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the below-referenced person or entity. I acknowledge that the Borough of Eatontown is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of contracts with the Borough of Eatontown to notify the Borough of Eatontown in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreements(s) with the Borough of Eatontown and that the Borough of Eatontown at its option may declare any contract(s) resulting from this certification void and unenforceable.

Bidder/Vendor: _____

Signature _____

Print or Type Name and Title _____

Date _____