

BOROUGH OF KENILWORTH

REQUEST FOR PROPOSALS FOR MUNICIPAL ATTORNEY SERVICES

Contract Term

January 1, 2019 through December 31, 2019

SUBMISSION DEADLINE

**3:00 P.M.
September 27, 2018**

ADDRESS ALL PROPOSALS TO:

**Office of Borough Clerk
567 Boulevard
Kenilworth, NJ 07033**

GENERAL INFORMATION & SUMMARY

ORGANIZATION REQUESTING PROPOSAL

**BOROUGH OF KENILWORTH
567 BOULEVARD
KENILWORTH, NJ 07033**

CONTACT PERSON

**LAURA REINERTSEN
BOROUGH CLERK
(908)276-9090**

PURPOSE OF REQUEST

The BOROUGH OF KENILWORTH is requesting proposals from qualified individuals and firms to provide Municipal Attorney Services of a specialized nature to the BOROUGH. Proposals will be evaluated in accordance with the criteria set forth in this RFP. One or more individuals/firms may be selected to provide services.

PERIOD OF CONTRACT

January 1, 2019 through December 31, 2019.

CONTRACT FORM

The successful proposer shall be required to execute the BOROUGH'S form contract, which includes the indemnification, insurance, termination and licensing provisions.

It is also agreed and understood that the acceptance of the final payment by Contractor shall be considered a release in full of all claims against the BOROUGH arising out of, or by reason of, the work done and materials furnished under this Contract.

**DETAILED REQUIREMENTS OF THE
REQUEST FOR PROPOSALS FOR MUNICIPAL ATTORNEY SERVICES**

1. **BOROUGH OF KENILWORTH FACTS AND FIGURES** – The Borough of Kenilworth is a municipal governmental entity. The BOROUGH was incorporated in 1907. The Borough is governed by a Mayor and six Council Members. The BOROUGH’S population is approximately 7,675 and it consists of approximately 2.10 square miles of area. The BOROUGH owns various buildings, parks and recreation facilities throughout the BOROUGH. The BOROUGH provides significant and diverse services to its residents and community members and neighbors.

2. **NATURE/ SCOPE OF SERVICES** – The Borough of Kenilworth is requesting proposals for Municipal Attorney Services, including such items as preparation of municipal ordinances, litigation, tort claims, real estate transactions and associated documents, labor negotiations and personnel issues, redevelopment, COAH application and compliance, preparation and review of bidding and contract documents for capital projects, legal work covered by developer and redeveloper escrows, acquisition of easement and other rights in land through negotiation or condemnation, and tax appeals. Counsel may also be called upon to provide other types of legal services of a specialized nature.

3. **STANDARD REQUIREMENTS OF TECHNICAL PROPOSAL** - Proposers should submit a technical proposal which contains the following:
 - A. The name of the proposer, the principal place of business and, if different, the place where the services will be provided;

 - B. Proposer must have a minimum of ten (10) years experience in the practice of Municipal Law, a minimum of five(5) years serving as the municipal attorney pursuant to N.J.S.A. 40A9-139 of one or more municipalities of this state and a minimum of five (5) years of experience representing municipalities in tax appeals;

 - C. The education, qualifications, experience, and training of all person or persons who would primarily be assigned to provide these services, along with their names and titles;

 - D. A listing of all other engagements where services of the types being proposed were provided in the past. This should include this municipality and other municipal governments. Proposers shall list and demonstrate relevant experience and expertise in:
 1. Preparing municipal ordinances.
 2. Reviewing and preparing municipal specifications, bidding and contract documents for goods and services and construction projects.
 3. Advising municipal governing bodies regarding applicable law, including OPMA, OPRA, LAD, Title VII, CEPA, LPCL, MLUL, LRHL, LLBL, Borough Law, Labor Law, including FLSA, FMLA, FLA, PEOSHA, EERA
 4. Public employer collective negotiations.
 5. Land use law.
 6. Civil litigation representing public entities and public employees
 7. Tax appeals.

 - E. Please provide a description of any other area(s) of expertise in municipal law you or your firm may possess that have not been included in the response provided above.

- F. Please list any seminars given and/or articles written and published on any municipal law topics.
- G. Please list any offices held in any municipal or local government related legal organizations.
- H. A statement that neither the firm nor any individuals assigned to this engagement are disbarred, suspended, or otherwise prohibited from professional practice by any federal, state, or local agency;
- I. An Affirmative Action Statement (copy of form attached);
- J. A completed Non-Collusion Affidavit (copy of form attached);
- K. A completed Owner Disclosure Information form (copy of form attached);
- L. A statement that the proposer will comply with the General Terms and Conditions required by the Borough and enter into the Borough's standard Professional Services Contract;
- M. A copy of the proposer's Business Registration Statement; and
- N. A completed Disclosure Statement.

- 4. **SPECIALIZED REQUIREMENTS OF TECHNICAL QUALIFICATION** – Proposer must demonstrate extensive and concentrated experience and expertise in all facets of municipal law.
- 5. **COST PROPOSAL** – Proposers should submit a cost proposal which should include any proposed retainer, the services to be provided for the retainer, if services will be provided at a flat rate, if all or any services will be billed through hourly rates and what are the established rate(s). The Borough does not provide payment for or reimbursement for travel expenses.

By submission of proposal, proposer acknowledges and agrees to adhere to the fee schedule set forth above.

- 6. **PROPOSAL EVALUATION** – The Borough will select the most advantageous proposals based on all of the evaluation factors set forth at the end of this RFP. The Borough will make the award(s) that is in the best interest of the Borough. This request is made by a fair and open process as defined by law. The decision of the BOROUGH as to what constitutes a fair and open process shall be final.

Each proposal must satisfy the objectives and requirements detailed in this RFP. The successful proposer shall be determined by an evaluation of the total content of the proposal submitted. The Borough reserves the right to:

- a. Not select any of the proposals;
- b. Select only portions of a particular proposer's proposal for further consideration; (However, proposers may specify portions of the proposal that they consider "bundled".)
- c. Award a contract for the requested services at any time within the calendar year after review of the Proposals and approval of same by the BOROUGH; Every proposal shall be valid through this time period.

The Borough shall not be obligated to explain the results of the evaluation process to any proposer.

7. **PROPOSAL LIMITATIONS** – This RFP is not intended to be an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the BOROUGH by issuance of this RFP. The Borough reserves the right at the BOROUGH’S sole discretion to refuse any proposal submitted.
8. **USE OF INFORMATION** - Any specifications, drawings, sketches, models, samples, data, computer programs, documentation, technical or business information and the like (“Information”) furnished or disclosed by the BOROUGH to the proposer in connection with this RFP shall remain the property of the BOROUGH. When in tangible form, all copies of such information shall be returned to the BOROUGH upon request. Unless such information was previously known to the proposer, free of any obligation to keep it confidential, or has been or is subsequently made public by the BOROUGH or a third party, it shall be held in confidence by the proposer, shall be used only for the purposes of this RFP, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.
9. **GENERAL TERMS AND CONDITIONS** –
 - A. The BOROUGH reserves the right to reject any or all proposals, if necessary, or to waive any informalities in the proposals, and, unless otherwise specified by the proposer, to accept any item, items or services in the proposals should it be deemed in the best interest of the BOROUGH to do so.
 - B. In case of failure by the successful proposer, the BOROUGH OF KENILWORTH may procure the services from other sources.
 - C. The proposer shall maintain sufficient insurance to protect against all claims under Workmen's Compensation, General, Professional and Automobile Liability.
 - D. Each proposal must be signed by the person authorized to do so.
 - E. The contract shall be in effect through December 31, 2019 unless otherwise stated.
 - F. Proposals may be hand delivered or mailed consistent with the provisions of the legal notice to proposers. They must be received by the date and time set forth on the cover sheet. In the case of mailed proposals, the BOROUGH assumes no responsibility for proposals received after the designated date and time and will return late proposals unopened. Proposals will not be accepted by facsimile or e-mail. Proposals shall be in a sealed envelope, marked “Proposal for Borough Attorney Services.” To be considered, proposals shall be delivered to or received by the Borough Clerk by no later than 3:00 pm on September 27, 2018.
 - G. Proposers are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. See attached exhibit A.
 - H. By submission of the proposal, the proposer certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and the successful proposer shall, at its expense, defend any and all actions or suits charging such infringement, and will save the BOROUGH harmless in any case of any such infringement.
 - I. No proposer shall influence, or attempt to influence, or cause to be influenced, any BOROUGH officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

- J.** No proposer shall cause or influence, or attempt to cause or influence, any BOROUGH officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.
- K.** Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the BOROUGH'S decision shall be final and conclusive.
- L.** The BOROUGH OF KENILWORTH shall not be responsible for any expenditure of monies or other expenses incurred by the proposer in making its proposal.
- M.** The checklist, affidavits, notices and the like presented at the end of this Request for Proposals are a part of this Request for Proposals and shall be completed and submitted as part of this proposal.

END OF GENERAL INSTRUCTIONS

BASIS OF AWARD

The contract shall be awarded based upon the following factors:

EVALUATION FACTORS

- A. Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned**

- B. Knowledge of the BOROUGH OF KENILWORTH and the subject matter to be addressed under this engagement**

- C. Relevance and Extent of Similar Engagements performed**

- D. Compliance with the STANDARD REQUIREMENTS OF TECHNICAL QUALIFICATION**

- E. Reasonableness of Cost Proposal**

REQUEST FOR PROPOSALS CHECKLIST

THIS CHECKLIST MUST BE COMPLETED, INITIALED, SIGNED AND SUBMITTED WITH YOUR PROPOSAL:

A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REJECTION, AT THE OPTION OF THE BOROUGH.

INITIAL BELOW

- A. **An original, two copies and an electronic version (emailed to Boroughclerk@kenilworthnj.org) of your complete proposal.** _____
- B. Non-Collusion Affidavit properly notarized _____
- C. Authorized signatures on all forms. _____
- D. Business Registration Certificate(s) _____
- E. Affirmative Action Statement _____
- F. Political Contribution Disclosure Form _____

Note: N.J.S.A 52:32-44 provides that the BOROUGH shall not enter into a contract for goods or services unless the other party to the contract provides a copy of its business registration certificate and the business registration certificate of any subcontractors at the time that it submits its proposal. The contracting party must also collect the state use tax where applicable.

THE UNDERSIGNED HEREBY ACKNOWLEDGES
THE ABOVE LISTED REQUIREMENTS.

NAME OF PROPOSER:

Person, Firm or Corporation

BY: (NAME) (TITLE)

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE 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 or sex. Except with respect to affectional or sexual orientation, 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 or sex. Such action shall include, but not be 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 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 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 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 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 and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO 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 Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

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: _____

COMPLIANCE WITH REQUIREMENTS

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 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 a goods and services contract, on 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 subcontractors shall furnish such reports or other documents to the Division of Contract Compliance and 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.

ON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF UNION

ss:

I AM _____

OF THE FIRM OF _____

UPON MY OATH, I DEPOSE AND SAY:

1. THAT I EXECUTED THE SAID PROPOSAL WITH FULL AUTHORITY SO TO DO;
2. THAT THIS PROPOSER HAS NOT, DIRECTLY OR INDIRECTLY ENTERED INTO ANY AGREEMENT, PARTICIPATED IN ANY COLLUSION, OR OTHERWISE TAKEN ANY ACTION IN RESTRAINT OF FAIR AND OPEN COMPETITION IN CONNECTION WITH THIS ENGAGEMENT;
3. THAT ALL STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THIS AFFIDAVIT ARE TRUE AND CORRECT, AND MADE WITH FULL KNOWLEDGE THAT THE BOROUGH OF KENILWORTH RELIES UPON THE TRUTH OF THE STATEMENTS CONTAINED IN SAID PROPOSAL AND IN THE STATEMENTS CONTAINED IN THIS AFFIDAVIT IN AWARDING THE CONTRACT FOR THE SAID ENGAGEMENT; AND
4. THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED TO SOLICIT OR SECURE THIS ENGAGEMENT AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE, EXCEPT BONA FIDE EMPLOYEES OR BONA FIDE ESTABLISHED COMMERCIAL SELLING AGENCIES OF THE PROPOSER. (N.J.S.A.52: 34-25)

SUBSCRIBED AND SWORN TO

BEFORE ME THIS _____ DAY

OF _____ 20____.

(TYPE OR PRINT NAME OF
AFFIANT UNDER SIGNATURE)

NOTARY PUBLIC OF

MY COMMISSION EXPIRES: _____, 20____.

OWNER DISCLOSURE INFORMATION

Set forth below are the names and addresses of all owners of 10% or more of the proposing business entity.

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

NAME OF BUSINESS ENTITY

SIGNATURE

TITLE

Notary Public of

My Commission Expires: _____, 20_____.

DISCLOSURE STATEMENT

(To be submitted with proposal)

- (a) Is or was anyone in your firm or company a member of the Borough governing body within the last calendar year or a member of his/her immediate family? If yes, then provide the name of the individual below and his/her relationship.

Yes _____

No _____

Name	Position	Relationship
------	----------	--------------

- (b) Has any principal/partner of your firm been convicted of a indictable offense? If yes, then please provide further explanation and copies of any relative documents.

Yes _____

No _____

Name	Date
------	------

- (c) Has any individual who would provide service under this contract ever been sanctioned by the appropriate licensing board?

Yes _____

No _____

Name	Position	Term
------	----------	------

Reason for censure:

- (d) Has the firm been found liable for professional malpractice in the last 5 years?

Yes _____

No _____

Reason for Action:

- (e) Has any member of your firm ever been barred from doing business with any state, township or municipal government? If yes, then please provide further written explanation including date and copies of relevant documentation.

Yes _____

No _____

Name	State, Township or Municipality Government	Date
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- (f) Has your firm sued the Borough of Kenilworth in the past five (5) years? If yes, then please identify the matter/case and provide further written explanation including date and copies of relevant documents.

Yes _____

No _____

Name	Date
------	------

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Public Agency Instructions

This page provides guidance to public agencies entering into contracts with business entities that are required to file Political Contribution Disclosure forms with the agency. **It is not intended to be provided to contractors.** What follows are instructions on the use of form local units can provide to contractors that are required to disclose political contributions pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005, c. 271, s.2). Additional information on the process is available in Local Finance Notice 2006-1 (www.nj.gov/dca/lgs/lfnmenu.shtml).

1. The disclosure is required for all contracts in excess of \$17,500 that are **not awarded** pursuant to a “fair and open” process (N.J.S.A. 19:44A-20.7).
2. Due to the potential length of some contractor submissions, the public agency should consider allowing data to be submitted in electronic form (i.e., spreadsheet, pdf file, etc.). Submissions must be kept with the contract documents or in an appropriate computer file and be available for public access. **The form is worded to accept this alternate submission.** The text should be amended if electronic submission will not be allowed.
3. The submission must be **received from the contractor and** on file at least 10 days prior to award of the contract. Resolutions of award should reflect that the disclosure has been received and is on file.
4. The contractor must disclose contributions made to candidate and party committees covering a wide range of public agencies, including all public agencies that have elected officials in the county of the public agency, state legislative positions, and various state entities. The Division of Local Government Services recommends that contractors be provided a list of the affected agencies. This will assist contractors in determining the campaign and political committees of the officials and candidates affected by the disclosure.
 - a. The Division has prepared model disclosure forms for each county. They can be downloaded from the “County PCD Forms” link on the Pay-to-Play web site at www.nj.gov/dca/lgs/p2p. They will be updated from time-to-time as necessary.
 - b. A public agency using these forms **should edit them to properly reflect the correct legislative district(s)**. As the forms are county-based, **they list all legislative districts** in each county. **Districts that do not represent the public agency should be removed from the lists.**
 - c. Some contractors may find it easier to provide a single list that covers all contributions, regardless of the county. These submissions are appropriate and should be accepted.
 - d. The form may be used “as-is”, subject to edits as described herein.
 - e. The “Contractor Instructions” sheet is intended to be provided with the form. It is recommended that the Instructions and the form be printed on the same piece of paper. The form notes that the Instructions are printed on the back of the form; where that is not the case, the text should be edited accordingly.
 - f. The form is a Word document and can be edited to meet local needs, and posted for download on web sites, used as an e-mail attachment, or provided as a printed document.
5. It is recommended that the contractor also complete a “Stockholder Disclosure Certification.” This will assist the local unit in its obligation to ensure that contractor did not make any prohibited contributions to the committees listed on the Business Entity Disclosure Certification in the 12 months prior to the contract. (See Local Finance Notice 2006-7 for additional information on this obligation) A sample Certification form is part of this package and the instruction to complete it is included in the Contractor Instructions.
NOTE: This section is not applicable to Boards of Education.

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor 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 committees that exceed \$300 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. 19:44A-20.26 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 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. **NOTE: This section does not apply to Board of Education contracts.**

* 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
N.J.S.A. 19:44A-20.26**

County Name: Union

State: Governor, and Legislative Leadership Committees

Legislative District #: 20, 21, 22

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):

Berkeley Heights Township

Clark Township

Cranford Township

Elizabeth City

Fanwood Borough

Garwood Borough

Hillside Township

Kenilworth Borough

Linden City

Mountainside Borough

New Providence Borough

Plainfield City

Rahway City

Roselle Borough

Roselle Park Borough

Scotch Plains Township

Springfield Township

Summit City

Union Township

Westfield Town

Winfield Township

Boards of Education (Members of the Board):

Berkeley Heights Township

Clark Township

Cranford Township

Elizabeth City

Garwood Borough

Hillside Township

Kenilworth Borough

Linden City

Mountainside Borough

New Providence Borough

Plainfield City

Rahway City

Roselle Borough

Roselle Park Borough

Scotch Plains-Fanwood Regional

Springfield Township

Union Township

Westfield Town

Winfield Township

Fire Districts (Board of Fire Commissioners):

**USERS SHOULD CREATE THEIR OWN FORM, OR
DOWNLOAD FROM WWW.NJ.GOV/DCA/LGS/P2P A COUNTY-
BASED, CUSTOMIZABLE FORM.**

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)