



Addendum No. 1 – RFQ due date change and Political Contribution Disclosure form update

Town of Morristown
Jillian Barrick
Business Administrator
Town of Morristown
200 South Street, CN914
Morristown, NJ 07960

Engineering and Design of Mobility Improvements RFQ

ADDENDUM NO. 1 – RFQ due date change and Political Contribution Disclosure form update

The Due date for the Engineering and Design of Mobility Improvement RFQ has changed from May 15, 2016, 4:00pm to **May 17, 2016, 4:00pm**.

END OF ADDENDUM NO. 1

NOTE: The Town of Morristown will consider proposals only from firms or organizations that have demonstrated the capability and willingness to provide high quality services in the manner described in this Request for Qualifications.

REQUEST FOR QUALIFICATIONS:

Engineering and Design of Mobility Improvements

ISSUE DATE: MARCH 24, 2016

DUE DATE: May 17, 2016

Issued by:

Town of Morristown

GLOSSARY

The following definitions shall apply to and are used in this Request for Qualifications:

“Principals” means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, “Principals” shall include each investor who would have any amount of operational control over the Respondent and every stockholder having an ownership interest of ten percent (10%) or more in the firm.

“Qualification Statement” – refers to the complete responses to this RFQ submitted by the Respondents.

“Qualified Respondent” – refers to those Respondents who (in the sole judgement of the Town) have satisfied the qualification criteria set forth in this RFQ.

“Respondent” or “Respondents” – refers to the interested firm(s) that submit a Qualification Statement.

“Review Team” – Members of the Town Administration and its legal and/or financial advisors who shall review the Qualification Statements.

“RFQ” – refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

“Town” – refers to the Town of Morristown.

REQUEST FOR QUALIFICATIONS:
Engineering and Design of Mobility Improvements
Town of Morristown, New Jersey

1. Introduction

The Town of Morristown, New Jersey (“Town”) seeks qualified transportation planners, engineers and urban designers (“Respondents”) to provide the technical services necessary to implement mobility policies in the Town’s 2014 Master Plan, “Morristown Moving Forward.” The anticipated scope of work will include the development of refined design concepts that address key circulation challenges and leverage opportunities for a more complete multi-modal transportation network. This Request for Qualifications (“RFQ”) will be the first of a two-part procurement process that the Town will deploy to identify a team that is poised to balance the needs of pedestrians, bicyclists and motorists by utilizing modern traffic modeling technology and innovative approaches to street design to achieve a harmonious solution that allows safe and pleasant movement through and throughout Morristown for all of its users.

2. Background

Morristown’s historic downtown is evolving into a livable, mixed-use community with a strong local real estate market and a town green around which many major regional circulation paths cross. The Town core is home to a recently renovated historic train station with direct links to regional employment centers, including New York City. The historic physical fabric of the town remains intact and tells a story of the town’s growth as a regional crossroad, urban hub and county seat. The current municipal leadership has a proven track record envisioning and executing catalytic redevelopment projects.

Development and preservation envisioned by the Town is hindered by poor street and corridor patterns that have created car congestion as well as safety concerns for pedestrians and cyclists. As the community addresses redevelopment economic resilience, housing, open space, and preservation, solutions are challenged by the fact that planning and investment have not comprehensively addressed strained, and often congested, circulation network stands in the way of smart growth.

Morristown’s transportation systems accommodate regional traffic, which creates in-town congestion. These regional networks speak to Morristown’s role as a regional hub while connecting local residents to the region and the region to Morristown. These networks define areas suitable for higher density or preservation of existing neighborhood character and development. Finally, they are the backbone of Morristown’s resilience and sustainability as a livable, economically strong, and socially diverse town in New Jersey.

In 2014, the Town adopted a comprehensive “Mobility and Community Form” master plan and now seeks to implement some of its most significant recommendations. As described in detail below, the envisioned scope will serve as a basis for a set of strategic design interventions aimed at improving the safety and efficiency of all transportation modes in Morristown. The creation and improvement of safe and convenient pedestrian and bicycle connections with minimal impacts to local and regional traffic is a stated policy objective that will require creative solutions to address design failures that have endured for decades. The identification feasible solutions will require inter-jurisdictional consensus around design proposals.

3. Study Area

The Town has identified specific corridors and focus areas for transportation improvements, which are depicted in Appendix A below (Study Area Map). For each activity node or regional corridor defined below, the successful Respondent will perform an exhaustive alternatives analysis to identify the design approach that best meets the Town’s objectives. This analysis will culminate in a set of recommended projects to be undertaken by the Town. The selected consultant will produce conceptual designs and traffic engineering analysis for preferred alternatives as well as

implementation plan with funding options that takes into account municipal budgetary constraints. Representatives of the Town will refine the geographic scope of the project in collaboration with the consultant team.

The Morristown Green

The Morristown Green is an iconic town square at the convergence of several regional travel routes. Surrounded by six lane roadways, each with four travel lanes, and a slip lane at each corner, the Green's current design is outdated, auto-oriented and incompatible with established design standards for bicycle facilities. The existing roadway configuration around the Green prevents the creation of a town-wide bicycle network, since it sits at the hub of key community thoroughfares. Further, the Green's internal public space and the nearby "Pioneer Park" lack direct pedestrian linkages, inhibiting access. The Green divides Morristown's neighborhoods and disrupts connectivity between the Town's retail corridors and between the diverse neighborhoods they serve.

The Green presents the opportunity to create an incredible asset for Morristown. As the focal point of the central business district, the Green is perhaps the most distinct and recognizable part of Morristown. Its prominent location places it at the center of public life, making access to programmable public space a priority. The 2014 Master Plan envisions stronger connections between the public space in the Green and adjacent retail frontages.

Morris Street Corridor

Morris Street (County Road 510) is the primary connection from the Green to the Morristown Train Station and Interstate 287. It is a congested retail corridor that fluctuates from two travel lanes and two parking lanes between the Green and Spring Street and two travel lanes westbound and one travel lane eastbound with a central turning lane and one parking lane near the train station. Along Morris Street there are frequent vehicular access points to parking and retail establishments, which contributes to congestion in the downtown. Travel speeds and roadway width along with auto-oriented uses and gaps in the pedestrian network on Morris Street can produce uncomfortable walking conditions between the train station and the Town's retail core. Cooperation with Morris County will be a vital part of the design and implementation of treatments aimed at making the corridor a safer and easier place to bike and walk.

Transit District

In the immediate vicinity of the Morristown Train Station, the Transit District, as delineated in the 2014 Master Plan, extends along either side of Morris Street from Elm Street to the eastern corner of the Green and north to the Staples shopping center and the terminus of Spring Place in the Spring Street Redevelopment Area. Surrounding the train station are arterial roadways, Lafayette Avenue and Morris Street, which serve as primary access points to and from I-287. Pedestrian access to the train station can be a challenge and the pedestrian infrastructure on either side of the station is incomplete, while commuter parking for the station tends to be underutilized.

Other Corridors

Morristown lies at the crossroads of several key highways and arterials in Morris County that accommodate both local and regional travel, including I-287, US Route 202, and NJ State Route 124 (NJ-124). The corridors designated below are frequently congested with vehicular traffic and present an opportunity to create complete pedestrian- and bike-friendly streets:

Washington Street: The Town has developed and approved concept designs for traffic calming treatments and pedestrian improvements along Washington Street. Traffic engineering analysis of conceptual designs may be necessary to begin implementing improvements.

Martin Luther King Avenue: Final concept designs for streetscape improvements along Martin Luther King Avenue from Abnett Avenue to Spring Street have been presented to the community and approved. Engineering analysis of conceptual plans may be required prior to implementation.

Speedwell Avenue: Speedwell Avenue is the extension of US-202 north of the Morristown Green. It is a six-lane arterial roadway with two travel lanes in either direction. Surrounded with a mix of newer auto oriented uses and older residential properties with traditional form, Speedwell Avenue has seen substantial reinvestment and redevelopment over the past few years.

South Street: South Street is a crucial retail corridor that runs into the heart of Morristown and ends at the Green. As it moves away from downtown, South Street widens to two travel lanes without parking to buffer pedestrian spaces from high speed vehicular traffic, creating an uncomfortable pedestrian environment.

Spring Street: Spring Street is a relatively short arterial roadway that runs between Morris Street near the train station and Speedwell Avenue to the north. Spring Street has two travel lanes in either direction without parking, and runs along the rear of Headquarters Plaza. This allows through-traffic to bypass the Green, which contributes to the high speeds along Spring and Morris Streets.

Lafayette Avenue: Lafayette Avenue serves as one of the principal access points to and from I-287 and terminates at Morris Street in front of the Morristown Train Station. The high-speed roadway has three travel lanes running westbound with narrow sidewalks and channelized turns at each street it intersects.

Ridgedale Avenue: Ridgedale Avenue is another major thoroughfare that provides access to and from I-287, terminating at Morris Street near the train station. The arterial roadway has two travel lanes in either direction and accommodates a number of auto-oriented uses and residential developments.

3. Preliminary Objectives

The Town has identified an initial set of objectives that would be developed in collaboration with the selected consultant team:

1. Mitigate congestion along heavily trafficked roadways and manage access to parking and driveways that service businesses along commercial corridors.
2. Create and strengthen pedestrian and bicycle connections between public spaces and retail areas downtown and with Morristown's larger park and trail network.
3. Create bicycle/pedestrian networks that connect open space assets and integrate off-road and recreational facilities with on-road infrastructure.
4. Enhance access and improve connectivity to commuter rail by calming traffic and improving street design throughout the Transit District. Capitalize on opportunities for placemaking and pedestrian amenities and reconfigure problematic intersections and stretches of roadway in cooperation with Morris County, NJDOT and NJ Transit.
5. Integrate the Green through enhancements to pedestrian and bicycle facilities that encourage connections through and around the green.
6. Identify strategies to maximize the use of existing parking at various times of day through initiatives including shared parking arrangements for complementary uses, while accommodating parking demand to access transit.

4. Preliminary Scope

Below is a basic scope of work upon which a more detailed approach to the study area will be built. The Town will welcome collaboration with finalist candidates.

A. Project Definition

- a. Develop measures of effectiveness and success
- b. Identify local and inter-agency stakeholders
- c. Confirm geographic scope, project areas, community objectives and vision

B. Existing Conditions Assessment

- a. Create or update vehicular, bicycle and pedestrian traffic counts
- b. Create or update “as-built” drawings as necessary for project areas

C. Alternatives Analysis

- a. Develop design alternatives
- b. Test operational scenarios
- c. Refine selected scenarios
- d. Assess effectiveness according to measures of success
- e. Reassess priorities as needed

D. Implementation, Management and Prioritization

- a. Develop portfolio of projects and project management framework
 - i. Identify ‘shovel-ready’ projects that are poised for funding opportunities.
 - ii. Prioritize projects based on the Town’s objectives
 - iii. Capital budget and cost estimates
 - iv. Develop an implementation plan and action matrix
- b. Identify funding options and requirements for relevant applications and permits.

5. Submittal Requirements

The Town of Morristown is committed to transparent and informed public private partnerships. Qualified consultants are those that share this commitment, and are willing to provide the necessary due diligence documentation for the Town to fully evaluate the qualifications, capacity and experience of transportation planning and engineering consultant. As such, all Respondents to this RFQ shall submit the following documentation, in the order below:

1. Table of Contents

2. Corporate Entity

- The name, business address and contact information for Respondent consulting entities;
- The name, business address, and (as applicable) ownership percentage of each of the current members, partners, directors and officers of the Respondent;

- The name, business address, and ownership percentage of each individual or entity currently having, directly or indirectly, an ownership interest, of ten percent (10%) or more in the consultant entity; and
- The NJ Business registration certificate for all Respondent entities.

3. Qualifications

- A Statement of Qualifications is to be provided by the respondent who will serve as the primary contractor. The statement shall set forth brief details of the firm's principal activities, the number of personnel in the firm and the firm's location.
- Proof of licensure for providing professional services in the State of New Jersey either for the firm or person(s) responsible for the work, including engineering and planning licenses and certifications for key personnel.
- A brief statement of understanding that conveys the consultant's understanding of the analysis required and the purpose of the conditions assessment and design work in the three primary focus areas listed above.
- Resumes of key personnel showing all persons, including subcontractors, who would be engaged in the project, their job title and previous transportation experience on similar projects.
- A portfolio of similar projects with a minimum of five projects that the respondent firm(s) have undertaken in the past ten (10) years.
- A list of applicable references and current clients.

6. Procurement Process

The selection of Qualified Respondents is not subject to the bidding provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The selection is subject to the New Jersey Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq. and Morristown Pay to Play Ordinance 2-87. The Town has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive process to assure that each person and/or firm is provided with an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 5 of this RFQ, which will be applied in the same manner for each Qualification Statement received. Respondents agree to at all times, abide by all requirements of New Jersey law, including, but not limited to the aforementioned "Pay to Play" laws, as well as any and all relevant Executive Orders and the New Jersey Election Law Enforcement Commission disclosure requirements.

Qualification Statements will be reviewed and evaluated by the Town Administration and its legal and/or financial advisors "Collectively, the "Review Team"). The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial criteria described in this RFQ. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, the Town will (in its sole judgement) determine which Respondents are qualified from professional, administrative and financial standpoints. Each Respondent that meets the requirements of the RFQ (in the sole judgement of the Town) will be designated as a Qualified Respondent and will be given the opportunity to participate in the selection process determined by the Town.

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Section 7, Due Date and Selection Schedule. The Town reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the Town's Designated Contact Person, in writing.

Designated Contact Person:

Jillian Barrick
Business Administrator
Town of Morristown
200 South St, CN914
Room 239, Office of Mayor/Administration
Morristown, NJ 07960-0914

Qualification Statements must be submitted to, and be received by, the Town, by hand delivery or regular mail, by 4:00 p.m. prevailing time on May 17, 2016 in the format outlined in this following section.

Subsequent issuance of this RFQ, the Town (through the issuance of addenda to all firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by, an in the sole judgement of, the Town.

7. Due Date & Selection Schedule

Release Request for Qualifications:	03/24/2016
RFQ Responses Due:	05/17/2016
Finalists Chosen:	05/30/2016
Develop Scope and Parameters:	05/30/2016 - 06/30/2016
Final Proposals Due:	06/30/2016
Finalize procurement:	06/30/2016 - 07/30/2016

Respondents shall submit one (1) reproducible original, two (2) complete copies, and one (1) electronic copy of their submission in 8.5 x 11” format (11x17 pages may be folded). The original and all copies must be clearly labeled containing Respondent’s return address and contact information. All costs associated with the submittal requirements are the sole responsibility of Respondents.

The Town will consider as “non-responsive” any submission for which critical information is lacking, or any submission that represents a major deviation from the parameters established in this Request for Qualifications. Minor omissions may, at the sole discretion of the Town, may be corrected within five (5) business days of notification of the deficiency from the Town.

All materials and required submittals in connection with this selection process are to be mailed or delivered by hand, and addressed as follows:

Jillian Barrick
Business Administrator, Town of Morristown
200 South Street
Morristown, NJ 07960
Subject: Morristown Mobility RFQ

Technical inquiries in connection with this selection process and requests for tours of the site are to be directed to Topology, the Town’s planning consultant, as follows:

Philip Abramson, PP
Morristown Planning Division
phil@topology.is

Under no circumstances should any Respondent contact the Town's elected officials or members of the Town's Boards and commissions to request clarification of any concerns in connection with the selection process.

The Town of Morristown reserves the right to reject any or all submittals in the selection process. The Town reserves the right to amend submittal requirements, including due dates, and other materials, as may be necessary to ensure a competitive process. All work products submitted by the Respondent as part of the required submittals become property of Morristown. No submissions will be returned to Respondents.

The Town of Morristown makes no warranties or representations with respect to any information contained in this RFQ or provided in connection herewith. All Respondents are required to confirm the completeness and accuracy of any and all information contained herein, and the Town shall not be bound in any way by any terms contained in this RFQ unless and until a final binding contract, if any, is executed with a Respondent.

8. Other General Information

1. Conditions Applicable to RFQ.

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

1. This document is an RFQ and does not constitute an RFP.
2. This RFQ does not commit the Town to issue an RFP.
3. All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
4. The Town reserves the right, in its sole judgment, to reject for any reason, any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.
5. The Town reserves the right, in its sole judgment, to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.
6. The Town reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.
7. All Qualification Statements shall become the property of the Town and will not be returned.
8. All Qualification Statements will be made available to the public at the appropriate time, as determined by the Town, in the exercise of its sole discretion, in accordance with applicable law.
9. The Town may request Respondents to send representatives to the Town for interviews.
10. Any and all Qualification Statements not received by the Town by 4:00 p.m. prevailing time on May 17, 2016 will be rejected.

11. Neither the Town, its consultants or advisors, nor their respective staffs, including, but not limited to, the Review Team, shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

2. Rights of Town

The Town reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

1. To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.
2. To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.
3. To waive any technical non-conformance with the terms of this RFQ.
4. To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.
5. To conduct investigations of any or all of the Respondents, as the Town deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
6. To suspend or terminate the procurement process described in this RFQ at any time in the Town's sole discretion. If terminated, the Town may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The Town shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

3. Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the Town may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the Town and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the proposal submission date.

4. Cost of Proposal Preparation.

Each proposal and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the respondent. There shall be no claims whatsoever against the Town, its staff, its consultants or such

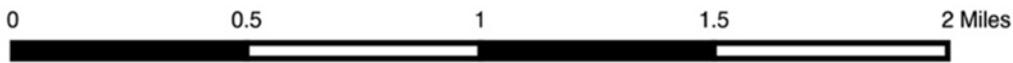
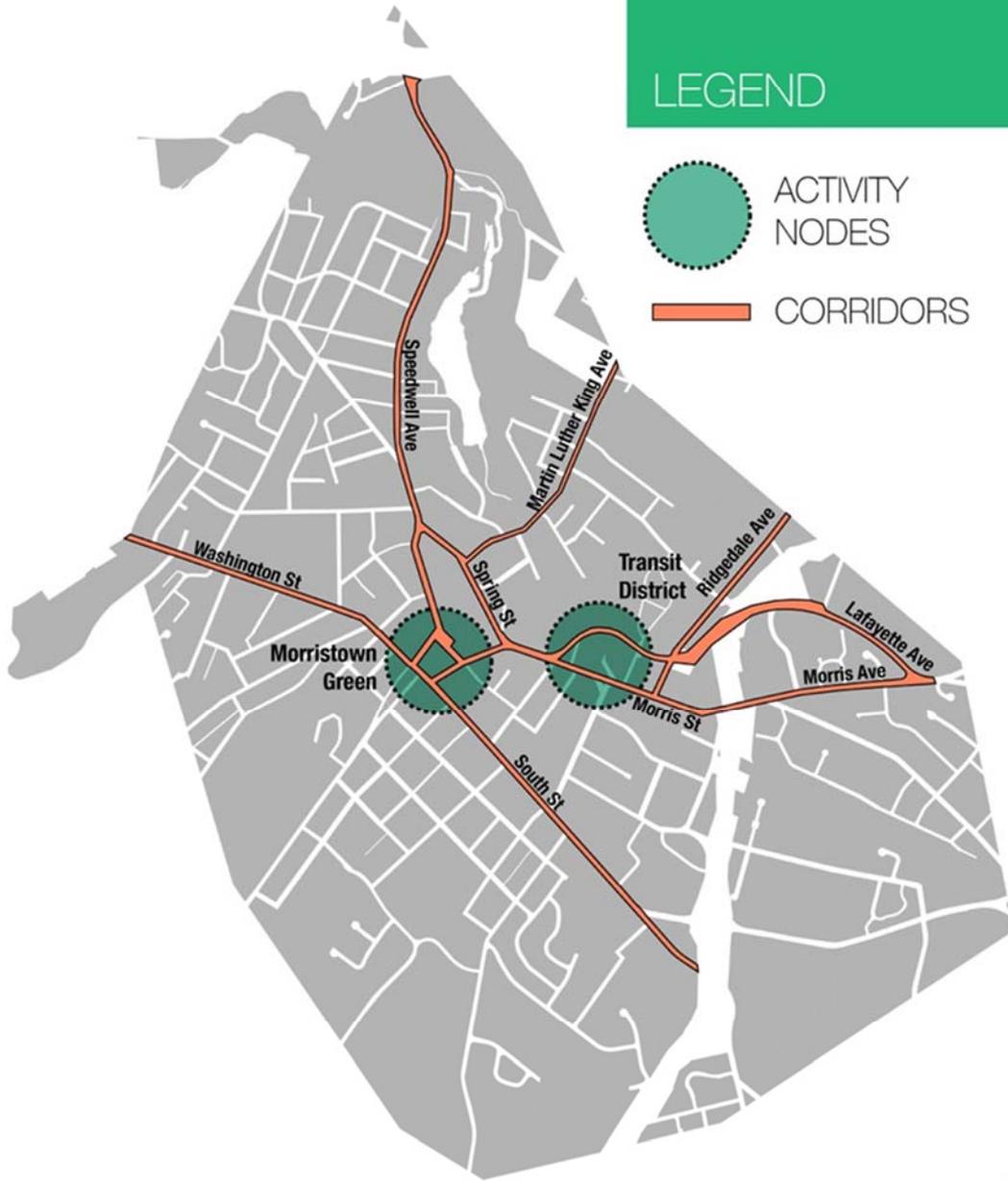
consultants' staff, for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

EXHIBIT A
Study Area map

Focus Areas and Corridors

LEGEND

-  ACTIVITY NODES
-  CORRIDORS



APPENDIX A

LETTER OF QUALIFICATION

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)

[INSERT DATE]

Attn: Ms. Jillian Barrick
Business Administrator
Town of Morristown
200 South St. CN914
Morristown, NJ 07963-0914

Dear Ms. Barrick:

The undersigned has reviewed its Qualification Statement submitted in response to the Request for Qualifications (RFQ) issued by the Town of Morristown ("Town"), dated _____, in connection with the Town's need for Legal Services – Labor Counsel.

We affirm that the contents of our Qualification Statement (which Qualification Statement is incorporated herein by reference), are accurate, factual and complete to the best of our knowledge and belief and that the Qualification Statement is submitted in good faith upon the express understanding that any false statement may result in the disqualification of (Name of Respondent).

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief
Executive Officer)

(Typed Name and Title)

(Type Name of Firm)

Dated: _____

APPENDIX B

LETTER OF INTENT

(Note: To be typed on Respondent's Letterhead. No modifications may be made to this letter)

[INSERT DATE]

Attn: Ms. Jillian Barrick, Business Administrator
Town of Morristown
200 South St. CN914
Morristown, NJ 07963-0914

Dear Ms. Barrick:

The undersigned, as Respondent, has (have) submitted the attached Qualification Statement in response to a Request for Qualifications (RFQ), issued by the Town of Morristown ("Town"), dated [REDACTED] in connection with the Town's need for **Engineering and Design of Mobility Improvements**.

(Name of Respondent) HEREBY STATES:

1. The Qualification Statement contains accurate, factual and complete information.
2. (Name of Respondent) agrees (agrees) to participate in good faith in the procurement process as described in the RFQ and to adhere to the Town's procurement schedule.
3. (Name of Respondent) acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Qualification Statement and any proposal prepared and submitted in response to the RFQ, or any negotiation which results therefrom shall be borne exclusively by the Respondent.
4. (Name of Respondent) hereby declares (declare) that the only persons participating in this Qualification Statement as Principals are named herein and that no person other than those herein mentioned has any participation in this Qualification Statement or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the Town. (Name of Respondent) declares that this Qualification Statement is made without connection with any other person, firm or parties who has submitted a Qualification Statement, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.
5. (Name of Respondent) acknowledges and agrees that the Town may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the Town shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFQ.
6. (Name of Respondent) acknowledges that any contract executed with respect to the provision of **Engineering and Design of Mobility Improvements** must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

(Typed Name and Title)

(Type Name of Firm)

Dated: _____

APPENDIX C

**AMERICANS WITH DISABILITIES ACT OF 1990
ACKNOWLEDGEMENT FORM**

This form is an agreement of the successful Vendor's obligation to comply with the requirements of 42 U.S.C. §121.01 et seq., referred to as the Americans Disability Act of 1990.

The undersigned Vendor hereby acknowledges receipt of the Americans with Disabilities Act of 1990 found at Appendix B of this packet.

The undersigned Vendor hereby certifies that he/she is aware of the commitment to comply with the requirements of 42 U.S.C. §121.01 et seq. and agrees to furnish any required forms as evidence of compliance.

The undersigned Vendor further certifies that he/she understands that his/her proposal shall be rejected as non-responsive and any contract entered into shall be void and of no effect if said Vendor fails to comply with the requirements of 42 U.S.C. §121.01 et seq.

COMPANY: _____ TITLE: _____

PRINT NAME: _____ SIGNATURE: _____

DATE: _____

APPENDIX D
BUSINESS ENTITY DISCLOSURE CERTIFICATION
PURSUANT TO CHAPTER 2, SECTION 2-87, PUBLIC CONTRACTING REFORM
ORDINANCE, OF THE CODE OF TOWN OF MORRISTOWN, NEW JERSEY
TOWN OF MORRISTOWN

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that _____ has not made and will not make any contributions pursuant to Chapter 2, Section 2-87, Public Contracting Reform Ordinance, of the Code of the Town of Morristown, that would bar the award of this contract in the one year period preceding _____ (date of award scheduled for approval of the contract by the governing body) to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Town of Morristown as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Mayor Timothy Dougherty	Councilperson Michael Elms
Councilperson Toshiba Foster	Councilperson Raline Smith-Reid
Councilperson Stefan Armington	Councilperson Michelle Dupree Harris
Councilperson Rebecca Feldman	Councilperson Allison Deeb
Morristown Democratic Organization	Morristown Republican Organization
Morris County Party Committee	Any other Committee referred to in the Ordinance

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 this _____ day of _____, 2__.	_____
My Commission expires:	(Affiant) _____ (Print name & title of affiant) (Corporate Seal)

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS Required Pursuant To N.J.S.A. 19:44A-20.8
TOWN OF MORRISTOWN

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)

APPENDIX E

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/lfn/menu.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:
 - o of the public entity awarding the contract
 - o of that county in which that public entity is located
 - o of another public entity within that county
 - o 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:

State: Governor, and Legislative Leadership Committees

Legislative District #s:

State Senator and two members of the General Assembly per district.

County:

Freeholders

County Clerk

Sheriff

{County Executive}

Surrogate

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

Mayor Timothy Dougherty	Councilperson Michael Elms
Councilperson Toshiba Foster	Councilperson Hiliari Davis Oyesanya
Councilperson Stefan Armington	Councilperson Michelle Dupree Harris
Councilperson Robert Iannacone	Councilperson Allison Deeb

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

APPENDIX F

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__.

(Affiant)

(Notary Public)

(Print name & title of affiant)

My Commission expires:

(Corporate Seal)

