

**TOWN OF MORRISTOWN
COUNTY OF MORRIS
STATE OF NEW JERSEY**

REQUEST FOR PROPOSALS

**INFORMATION TECHNOLOGY
CONSULTING & MANAGEMENT SERVICES**

Sealed proposals should be received by the Business Administrator of the Town of Morristown, in the Town Offices located at 200 South Street, Room 239, Morristown, New Jersey 07963-0914, by no later than 4:00 p.m. on December 6, 2016 for the following:

Requests for Proposals from vendors interested in providing Information Technology Consulting & Management Services for the Town of Morristown in the calendar year 2017.

Successful applicants will be required to comply with the requirements of N.J.S.A. 10:5-31, et seq. (N.J.A.C. 17-27) (Equal Employment Opportunity) and N.J.S.A. 52:32-44, et seq. (New Jersey Business Registration) N.J.S.A. 19:44A-20.5 (Business Entity Disclosure) and Local Pay to Play Ordinance O-2-87.

The right is reserved to reject any or all proposals if it is deemed to be in the best interest of the Town of Morristown to do so.

All those interested in submitting proposals should review the request for proposals and submit all documentation requested. The requisite Disclosure Forms are attached hereto.

TOWN OF MORRISTOWN
REQUEST FOR PROPOSAL
INFORMATION TECHNOLOGY
CONSULTING & MANAGEMENT SERVICES

PURPOSE OF REQUEST

The Town of Morristown (the “Town”) is seeking Requests for Proposals (RFP) for Information Technology (IT) Consulting & Management Services at the Town of Morristown, capable of providing support and consulting services to the Town’s computer network and equipment.

The successful proposer will demonstrate qualifications, experience, and abilities to perform the scope of services detailed in this Request for Proposal.

TIME SCHEDULE

The Town will follow the following timetable, which should result in a selection of a firm by January 10, 2017.

1.	Issuance of Request for Qualifications	November 2, 2016
2.	Receipt of Qualification Statements	December 6, 2016
3.	Completion of Evaluation of Qualification Statements by the Review Team	December 13, 2016
4.	Town Review of Review Team Recommendations	December 27, 2016
5.	Approval of Professional Services Resolutions by Town Council	January 10, 2017

SCOPE OF SERVICES

The successful proposer will be able to provide technical assistance and system administration related to the Town’s network system. They will be responsible for troubleshooting computer problems, maintaining the network to prepare for future needs, and preventing and managing technical issues.

The Scope of Work for the requested services includes, but is not limited to:

1. IT Consultant and Management Services (on-site and remote) for an average of at least 16 hours per week. This includes assisting users with operational issues and/or emergency response (i.e. servers are down or there is no email access) within a two (2) hour maximum response time.
2. Provide proactive system maintenance for all network devices (i.e. warranty, network and asset status), including routine maintenance, monthly reviews and security management to prevent cyber-attacks. Proposer must demonstrate successful experience in supporting Edmunds finance and tax applications, as well as other NJ municipal-based computer software applications, as appropriate.
3. Provide preventative maintenance, including LAN/WAN troubleshooting, network server/workstation maintenance, updates, upgrades, installations, configurations and troubleshooting of any and all software and hardware for approximately 80 workstations and 6 servers, located at various locations.

4. Recommend new workstation equipment and software, when necessary, as well as set up and install acquired items.
5. Provide structured system protection and maintenance, including but not limited to firewall, tape backup, antivirus programs for updates, and confirm system maintenance checks are being performed.
6. Support and maintain data backup and recovery and e-mail archiving.
7. Troubleshoot (either remotely or on-site) hardware and software problems.
8. Maintain hardware/software inventory and license documentation.
9. Perform the repairs and necessary maintenance of the Town's network.
10. Provide for system file backup for PC operations, which includes rebuilding the various databases in case of system malfunction.
11. Monitor network security usage and perform necessary system "housekeeping."
12. Document information system processes and procedures, and assist with network security.
13. Strategic planning for future system upgrades.

Proposal Requirements

1. Proposal (Initial proposal should be submitted in the form of two (2) hard copies only).
 - a. Statement of Interest.
 - b. Company information, including general information, size, number of employees, and years in business, full name of individual of entity or person submitting the proposal and the name of the key contact person.
 - c. At least three (3) references, including contact names and information.
 - d. Description of each individual's qualifications, including education, licensure and years of professional experience (please include copies of licenses held).
 - e. A listing of all previous Public Sector entities serviced by the proposer licensed professional including dates of service.
 - f. Proposed cost of the service(s) or activities, including the Hourly Rates of individuals who will perform the services or activities.
 - g. Insurance. The proposer shall provide documentation of insurance for professional liability coverage with limits as to liability acceptable to the Town.
 - h. A copy of your New Jersey Business Registration Certificate.
 - i. A completed Business Entity Disclosure Form, Political Contribution Disclosure Form & a Stockholder Disclosure Certification (APPENDICES A, B & C).
 - j. A copy of Proposed Form of Contract.

k. An executed Americans with Disabilities Act of 1990 Acknowledgement Form (See APPENDIX D).

Certification Requirements

- MCSE (Certified Solution Expert)
- MCITP (Certified IT Professional)
- MCTS (Certified Technology Specialist)
- CCNA (Certified Cisco Network Administrator)
- VCP (VMWare Certified Professional)

Evaluation

The Town’s objective in soliciting an RFP is to enable it to select a firm or organization that will provide high quality and cost effective services to the citizens of Morristown. The Town will consider proposals only from firms or organizations that, in the Town’s judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the Town in the manner described in this RFP.

The Town may establish an evaluation committee to evaluate and score the proposals submitted by the vendors.

Proposals will be evaluated by the Town on the basis of the most advantageous, all relevant factors considered. The evaluation will consider the following selection criteria:

<i>Factor</i>	<i>Weight Given</i>
1. <i>Responsiveness:</i> The Town will consider the materials submitted by the proposer to determine whether the proposer is in compliance with the RFP.	30%
2. <i>Price:</i>	30%
3. <i>Responsibility & Experience:</i> The Town will consider the materials submitted and other evidence it may obtain to determine the companies ability and history of successfully completing contracts of this type, meeting projected deadlines and experience in similar work.	40%
Total Criteria Weight:	100%

Each proposal will be independently evaluated on factors 1 through 3.

Terms and Conditions

1. The Town reserves the right to reject any and all proposals and to waive minor irregularities in any proposal.
2. The Town reserves the right to request clarification of information submitted and to request additional information from any proposer.
3. The Town reserves the right to award any contract to the next most qualified vendor if the vendor does not execute a contract within thirty (30) days after the award of the proposal.

4. Any proposal may be withdrawn up until the submittal date and time.
5. The Town reserves the right to reject any proposed agreement or contract that does not conform to the specifications contained in this RFP and which is not approved by the Municipal Attorney.
6. The Town shall not be responsible for any costs incurred by the vendor in preparing, submitting or presenting its response to the RFP.

Payment Terms

Payment by the Town will be made a monthly basis after services have been performed and an itemized billing statement has been received. A signed voucher will be submitted in the form specified by the Town and approved by the appropriate Town representative for signature by the vendor.

Interested applicants should submit proposals **no later than 4:00pm on December 6, 2016** to:

Ms. Jillian Barrick, Business Administrator
Town of Morristown
200 South St. PO Box 914
Room 239, Office of Mayor/Administration
Morristown, NJ 07963-0914

APPENDIX A

**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 Hiliari Davis
Councilperson Stefan Armington	Councilperson Michelle Dupree Harris
Councilperson Robert Iannacone	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)
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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 B

### 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/lfns/lfnmenu.shtml](http://www.nj.gov/dca/lgs/lfns/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](http://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                      |
| Councilperson Stefan Armington     | Councilperson Michelle Dupree Harris             |
| Councilperson Robert Iannacone     | Councilperson Allison Deeb                       |
| Morristown Democratic Organization | Morristown Republican Organization               |
| Morris County Party Committee      | Any other Committee referred to in the Ordinance |

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

**APPENDIX C**  
**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)

My Commission expires:

\_\_\_\_\_  
(Affiant)

\_\_\_\_\_  
(Print name & title of affiant)

\_\_\_\_\_  
(Corporate Seal)

**APPENDIX D**

**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 E**

**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 \_\_.

\_\_\_\_\_ (Affiant)

My Commission expires:

(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 F

### 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/lfns/lfmenu.shtml](http://www.nj.gov/dca/lgs/lfns/lfmenu.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](http://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 Raline Smith-Reid      |
| Councilperson Stefan Armington | Councilperson Michelle Dupree Harris |
| Councilperson Rebecca Feldman  | Councilperson Allison Deeb           |

|                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>USERS SHOULD CREATE THEIR OWN FORM, OR DOWNLOAD<br/>FROM <a href="http://WWW.NJ.GOV/DCA/LGS/P2P">WWW.NJ.GOV/DCA/LGS/P2P</a> A COUNTY-BASED,<br/>CUSTOMIZABLE FORM.</b></p> |
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**APPENDIX G**

**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)

My Commission expires:

\_\_\_\_\_

(Affiant)

\_\_\_\_\_

(Print name & title of affiant)

\_\_\_\_\_

(Corporate Seal)