<u>NOTE</u>: 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

FOR THE PROVISION OF LEGAL SERVICES – CONFLICT PUBLIC DEFENDER

ISSUE DATE: November 8, 2017

DUE DATE: December 6, 2017

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 judgment 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.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

Section 1.1. Introduction and Purpose.

The Town is soliciting Qualification Statements from interested persons and/or firms for the provision of **Legal Services-Conflict Public Defender** as more particularly described herein. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the Town with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedures and schedules in this RFQ. The Town will review Qualification Statements only from those firms that submit a Qualification Statement which includes all the information required to be included as described herein (in the sole judgment of the Town). The Town intends to qualify person(s) and/or firm(s) that: (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the Town to provide the greatest benefit to the taxpayers of Morristown.

Section 1.2. Procurement Process and Schedule.

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 to 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. Under no circumstances will a member of the Review Team review responses to an RFQ for a position which they or their firm submitted a response. 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 judgment) determine which Respondents are qualified from professional, administrative and financial standpoints. Each Respondent that meets the requirements of the RFQ (in the sole judgment 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 Table 1, Procurement 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 07963-0914

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 December 6, 2017. Qualification Statements will not be accepted by facsimile transmission or e-mail.

Subsequent to 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, and in the sole judgment of, the Town.

TABLE 1

ANTICIPATED PROCUREMENT SCHEDULE

ACTIVITY	DATE
1. Issuance of Request for Qualifications	November 8, 2017
2. Receipt of Qualification Statements	December 6, 2017
3. Completion of Evaluation of Qualification Statements by the Review Team	December 13, 2017
4. Town Review of Review Team Recommendations	December 27, 2017
5. Approval of Professional Services Resolutions by Town Council	January 9, 2018

Section 1.3. 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:

- This document is an RFQ and does not constitute an RFP.
- This RFQ does not commit the Town to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.
- 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.

- 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.

- The Town reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.

- All Qualification Statements shall become the property of the Town and will not be returned.

- 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.

- The Town may request Respondents to send representatives to the Town for interviews.

- Any and all Qualification Statements not received by the Town by 4:00 p.m. prevailing time on December 6, 2017 will be rejected.

- 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.

Section 1.4. <u>Rights of Town</u>.

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:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.

- To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.

- To waive any technical non-conformance with the terms of this RFQ.

- 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.

- 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.

- 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.

Section 1.5 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.

Section 1.6 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 consultant's 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.

Section 1.7 Proposal Format.

Responses should cover all information requested in the questions to be answered in this RFQ.

Responses which in the judgment of the Town fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors. may be rejected.

SECTION 2

SCOPE OF SERVICES

It is the intent of the Town to solicit Qualification Statements from Respondents that have expertise in providing **Legal Services- Conflict Public Defender**. Firms and/or persons responding to this RFQ shall be able to demonstrate that they will have the continuing capabilities to perform these services.

SECTION 3

SUBMISSION REQUIREMENTS

Section 3.1 General Requirements.

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplemental information that it believes may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

Section 3.2 Administrative Information Requirements.

The Respondent shall, as part of its Qualification Statement, provide the following information:

1. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.

2. An executed Letter of Qualification (See Appendix A to this RFQ).

3. Name, address and telephone number of the firm or firms submitting the Qualification Statement pursuant to this RFQ, and the name of the key contact person.

4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each firm, its ownership and its organizational structure.
   (a) Provide the names and business addresses of all Principals of the firm or firms submitting the Qualification Statement. For purposes of this RFQ, "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.

   (b) If a firm is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the firm submitting a Qualification Statement. Describe the approval process.

   (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.

   (d) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance

5. An executed Letter of Intent (See Appendix B).

6. An executed Payment Conditions and Rate Schedules Form (See Appendix C).

7. An executed Americans with Disabilities Act of 1990 Acknowledgement Form (See Appendix D).

8. A completed Business Entity Disclosure Form, Political Contribution Disclosure Form & a Stockholder Disclosure Certification (Appendices E, F & G).

9. The number of years the business organization has been in business under its present name.

10. The number of years the business organization has been under its current management.

11. Any judgments, claims or suits *within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice*. If yes, please explain.

12. Whether the business organization is now or has been involved in any bankruptcy or re-organization proceedings in the last ten (10) years. If yes, please explain.

13. Confirm appropriate federal and state licenses to perform activities. *Submit a copy of the Firm's Business Registration Certificate.*

Section 3.3 **Professional Information Requirements**.

1. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:

a. Description and scope of work by Respondent;
b. Name, address and contact information of references; and
c. Explanation of perceived relevance of the experience to the RFQ.

2. Describe the services that Respondent would perform directly.

3. Describe those portions of the Respondent's services, if any, that are sub-contracted out. Identify all subcontractors the Respondent anticipates using in connection with this project.

4. Does the Respondent normally employ union or non-union employees?

5. Resumes of key employees.

6. A narrative statement of the Respondent's understanding of the Town's needs and goals.

7. List all immediate relatives of Principal(s) of Respondent who are Town employees or elected officials of the Town. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws by reason of relation.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

Section 4.1 **Submission of Qualification Statements.**

Respondents must submit an original and one (1) copy of their Qualification Statement to the Designated Contact Person:

Ms. Jillian Barrick
Business Administrator
Town of Morristown
200 South St. CN914
Room 239, Office of Mayor/Administration
Morristown, NJ 07963-0914

Qualification Statements must be received by the Town no later than 4:00 p.m. (prevailing time) on December 6, 2017 and must be mailed or hand-delivered. Qualification Statements forwarded by facsimile or e-mail *will not* be accepted.

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be bound, and signed and acknowledged by the Respondent.

SECTION 5

EVALUATION

The Town's objective in soliciting Qualification Statements 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 Qualification Statements 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 RFQ.

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

1. Experience and reputation in the field;
2. Knowledge of the Town and the subject matter addressed under the contract;
3. Availability to accommodate the required meetings of the Town; and
4. Other factors demonstrated to be in the best interest of the Town.

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 – Conflict Public Defender.**

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 _____in connection with the Town's need for **Legal Services – Conflict Public Defender**.

(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 **Legal Services – Conflict Public Defender** 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

PAYMENT CONDITIONS AND RATE SCHEDULES

1. The compensation for **Legal Services- Conflict Public Defender** shall be Three Hundred Dollars ($300.00) per Municipal Court Session.

2. Counsel shall be reimbursed at cost for expenses incurred for duplication, filing fees, court reporters and other reasonable out-of-pocket expenses advanced and/or incurred by counsel. Counsel shall be reimbursed for direct charges including disbursements that are actual expenses incurred by the Professional and or/their associated Firm in connection with such **Legal Services- Conflict Public Defender**, and shall include, but not be limited to:

a. Telegrams, faxes and long distance (Out-of-State) telephone calls;
b. Payment of filing fees, application fees, review fees and similar charges;
c. Computer expenses including time and proprietary program charges;
d. Outside printing, reproduction, binding, collating and other graphic services;
e. Messenger service, postage and handling of drawing and specifications, reports, contracts and other bulky items.

3. Monthly invoices shall be submitted detailing all services performed.

Signature: The undersigned hereby acknowledges and accepts the established payment terms.

Name of Respondent/Firm:_____

Print name and title:_____

Signature:_____

Date:_____

ATTEST:

_____
Witness

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 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 __.

_____
(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/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."

Required Pursuant To N.J.S.A. 19:44A-20.26

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

Part I – Vendor Information

Vendor Name:			
Address:			
City:		State:	Zip:

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

Signature	Printed Name	Title

Part II – Contribution Disclosure

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than $300 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

☐ Check here if disclosure is provided in electronic form.

Contributor Name	Recipient Name	Date	Dollar Amount
			$

☐ Check here if the information is continued on subsequent page(s)

Continuation Page

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To N.J.S.A. 19:44A-20.26

Page ____ of _____

Vendor Name:

Contributor Name	Recipient Name	Date	Dollar Amount
			$

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 A COUNTY-BASED, CUSTOMIZABLE FORM.

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

Subscribed and sworn before me this ___ day of _____, 2__. _____
(Affiant)

(Notary Public) _____
(Print name & title of affiant)

My Commission expires: _____
(Corporate Seal)