

**TOWNSHIP OF WEST WINDSOR
COUNTY OF MERCER, NEW JERSEY**

1st Reading November 13, 2023
 2nd Reading & Public Hearing November 27, 2023
 Date Adopted November 27, 2023
 Date Effective December 15, 2023
 DOT APPROVAL RECEIVED _____

Date to Mayor November 27, 2023
 Date Signed November 28, 2023
 Date Resubmitted to Council _____
 Approved as to Form and Legality _____

[Signature]
 Township Attorney
 Michael W. Herbert Esq.

ORDINANCE 2023-18

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ENTITLED
 "ADMINISTRATION OF GOVERNMENT," SECTION 4-22.1.1 "PROHIBITION AWARDED
 PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS" OF THE REVISED GENERAL
 ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY (1999), AMENDING
 THE TOWNSHIP POLICY FOR THE AWARDED OF PUBLIC PROFESSIONAL SERVICE
 CONTRACTS

RECORD OF VOTE													
First Reading							Second Reading						
Council	Yes	No	NV	AB	Mov	Sec	Council	Yes	No	NV	AB	Mov	Sec
Gawas	✓						Gawas	✓					
Geevers	✓						Geevers	✓					✓
Mandel	✓						Mandel	✓					
Stevens	✓					✓	Stevens	✓				✓	
Whitfield	✓				✓		Whitfield	✓					

x-Indicates Vote AB-Absent NV-Not Voting Mov-Moved Sec-Seconded

[Signature]

 Hemant Marathe, Mayor

November 28, 2023

 Date

Rejected _____

Reconsidered by Council _____

Override Vote: YES _____ NO _____

[Signature]

 Gay M. Huber, Township Clerk

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 “ADMINISTRATION OF GOVERNMENT,” SECTION 4-22.1.1 “PROHIBITION
 AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS” OF THE REVISED
 GENERAL ORDINANCES OF THE TOWNSHIP OF WEST WINDSOR, NEW JERSEY
 (1999), AMENDING THE TOWNSHIP POLICY FOR THE AWARDING OF PUBLIC
 PROFESSIONAL SERVICE CONTRACTS

WHEREAS, a change to N.J.S.A. 19:44A-8 has changed the reportable amount to the Election Law Enforcement Commission (ELEC) contribution reporting threshold to over \$200.00; and

WHEREAS, the Township of West Windsor’s policy was “zero” dollars to be contributed and due to the change in N.J.S.A. 19:44A-8 a change is necessary.

NOW, THEREFORE BE IT RESOLVED BY the Township Council of the Township of West Windsor that the following changes be made:

Section 1.

§ 4-22.1 **Awarding of public professional service contracts.**

A.

Prohibition of awarding public contracts to certain contributors.

(1)

Any other provision of law to the contrary notwithstanding, the Township or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services from any professional service provider if that provider has solicited or made any contribution of money or pledge of a contribution, including in-kind contributions, to a campaign committee of any West Windsor Township candidate or holder of public office within the Township having responsibility for the award of the contract or to any West Windsor Township or Mercer County Party Committee **over \$200.00** within one calendar year immediately preceding the date of the contract or agreement.

(2)

No professional service provider which enters into negotiations for or agrees to any contract or agreement with the Township or any department or agency thereof or of its independent authorities for the rendition of professional services shall knowingly solicit or make any contribution of money or pledge of a contribution including in-kind contributions, to any West Windsor Township candidate or holder of public office within the Township having responsibility for the award of the contract or to any West Windsor Township or Mercer County Party Committee between the time of first communications between that service provider and the Township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement **over \$200.00**.

(3)

For purposes of this section, a "professional service provider" seeking a public contract means an individual, including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a service provider includes all principals who own 1% or more of the equity in the corporation or business trust, partners and officers in the aggregate employed by the provider as well as any subsidiaries directly controlled by the service provider.

(4)

For purposes of this section, the office that is considered to have responsibility for the award of the contract shall be:

(a)

The West Windsor Township Council if the contract requires approval or appropriation from the Council or a public officer who is responsible for the award of a contract if that public officer is appointed by Council; or

(b)

The Mayor of West Windsor Township if the contract requires the approval of the Mayor or a public officer who is responsible for the award of contract if that public officer is appointed by the Mayor; or

(c)

Both of the above.

B.

Contributions made prior to the effective date. No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any West Windsor Township candidate for Mayor or Township Council or West Windsor Township party committee shall be deemed a violation of this section nor shall an agreement for property, goods or services of any kind whatsoever be disqualified thereby if that contribution or agreement was made by the professional business entity prior to the effective date of this section.

C.

Contribution statement by professional business entity.

(1)

Prior to awarding any contract or agreement to procure services with any professional service provider, the Township or any of its purchasing agents or agencies or independent authorities, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the professional service provider has not made a contribution in violation of Subsection A hereof.

(2)

The professional service provider shall have a continuing duty to report any violations of this section that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

D.

Penalty.

(1)

All Township of West Windsor professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional service provider, as defined in Subsection A(3), to violate Subsection A(2) or to knowingly conceal or misrepresent contributions given or received or to make or solicit contributions through intermediaries or any Mercer County Party Committee for the purpose of concealing or misrepresenting the source of the contribution.

(2)

Any professional service provider, as defined in Subsection A(3) who knowingly fails to reveal a contribution made in violation of this section or who knowingly makes or solicits contributions through intermediaries, including but not limited to Mercer County Party Committee, for the purpose of concealing or misrepresenting the source of the contribution shall be disqualified from eligibility for future Township contracts for a period of four calendar years from the date of the violation.

Section 3

All articles or sections thereof in conflict with this Ordinance are hereby repealed.

Section 4

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by and Court of competent jurisdiction, such judgement shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 5

This Ordinance shall be enacted twenty (20) days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by the Council, whichever is applicable; and upon publication according to law.

Brackets mean removal[]; **Bold** and underline mean added

INTRODUCTION: November 13, 2023

PUBLIC HEARING: November 27, 2023

ADOPTION: November 27, 2023

MAYOR APPROVAL: November 28, 2023

EFFECTIVE DATE: December 18, 2023