

BOROUGH OF ROSELLE PARK

REQUEST FOR QUALIFICATIONS FOR THE PROVISION OF LEGAL AND OTHER PROFESSIONAL SERVICES

**Alternate Borough Prosecutor
COAH/Mt. Laurel Attorney
Borough Tax Appeal Attorney
Municipal Land Use Board Attorney**

SUBMISSION DEADLINE: December 8, 2016, 10:00 A.M.

ADDRESS ALL QUALIFICATION STATEMENTS TO:

**OFFICE OF THE BOROUGH CLERK
Municipal Building
110 East Westfield Avenue
ROSELLE PARK, NEW JERSEY 07204**

GENERAL INFORMATION & SUMMARY

ORGANIZATION REQUESTING QUALIFICATIONS

BOROUGH OF ROSELLE PARK
110 EAST WESTFIELD AVENUE
ROSELLE PARK, NEW JERSEY 07204

CONTACT PERSON

DOREEN CALI, RMC/CMC,
BOROUGH CLERK

PURPOSE OF REQUEST

The Borough of Roselle Park (the "Borough") is soliciting Qualification Statements from interested persons and/or firms for the provision of professional services for calendar year 2017, as more particularly described herein. Through a Request for Qualification (RFQ) process described herein, persons and/or firms interested in assisting the Borough with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The Borough will review Qualification Statements only from those persons and/or firms that submit a Qualification Statement which includes all the information required to be included as described herein, as determined in the sole and absolute discretion of the Borough. The Borough intends to qualify persons and/or firms that (a) possess 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 Borough to provide the greatest benefit to the taxpayers of Roselle Park. The services of successful respondents may be procured as soon as January 1, 2017.

DEFINED TERMS

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

"Borough" - refers to the Borough of Roselle Park.

"Qualification Statement" - refers to the complete responses to this RFQ submitted by the respondents.

"Qualified Respondent" - refers to a respondent who (in the sole and absolute discretion of the Borough) has satisfied the qualification criteria set forth in this RFQ.

"RFQ" - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

"Respondent" or "Respondents" - refers to the interested persons and/or firm(s) that submit a Qualification Statement.

**REQUIREMENTS OF THE QUALIFICATION STATEMENTS
FOR LEGAL AND OTHER PROFESSIONAL SERVICES**

1. BOROUGH OF ROSELLE PARK FACTS AND FIGURES – The Borough of Roselle Park is a legal, governmental entity. The Borough was incorporated in 1901 and operates under N.J.S.A 40A:63-1 et seq., the Borough form of government. The Borough is governed by the Mayor and Council. The Mayor and Council sets policy, adopts the operating and capital budgets for the Borough, enacts ordinances and sets the direction of how the Borough of Roselle Park will provide government services. The Chief Administrative Officer carries out the policies adopted by the Mayor and Council.

The Borough’s population is approximately 13,281 and it consists of approximately 1.2 square miles of area. The Borough provides a full range of municipal services.

The Borough’s operating budget is approximately \$13.2 million.

2. NATURE/ SCOPE OF SERVICES – The Borough hereby solicits Qualification Statements from Respondents that have expertise in providing the following professional services: Alternate Borough Prosecutor; COAH/Mt. Laurel Attorney; Borough Tax Appeal Attorney; Municipal Land Use Board Attorney. Respondents should feel free to respond to one or more of the services sought. For each area of response, respondents must demonstrate that they satisfy all professional requirements and will have the continuing capabilities to perform these services.

3. SUBMISSION REQUIREMENTS - Respondents must have a minimum of ten (10) years of experience in the practice of law. Each Qualification Statement must clearly indicate the position(s) sought. Respondents should submit a Qualification Statement that contains the following:

- A. The name of the respondent, the principal place of business and, if different, the place where the services will be provided;
- B. A description of respondent’s 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: (i) description and scope of work by respondent; (ii) explanation of perceived relevance of the experience to the RFQ; and (iii) the education, qualifications, experience, and training of all persons who would be assigned to provide services along with their names and titles;
- C. A narrative statement of the respondent’s understanding of the Borough’s needs and goals;
- D. A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other municipal governments and other levels of government. Contact information for the recipients of the similar services must be provided. The Borough may obtain references from any of the parties listed;

- E. If the respondent has performed any services for the Borough that are not yet complete, specifically list all open matters and describe all ongoing services;
- F. Include a statement that respondent will be an independent contractor and not an employee of the Borough and include a statement that respondent will take such action as is reasonably necessary to ensure its independent contractor status. If Respondent is unable or unwillingly to make such statements, please explain why;
- G. A listing of all immediate relatives of the principal(s) of respondent who are Borough employees or elected officials of the Borough. 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;
- H. A statement that neither the firm nor any individuals assigned to this engagement are suspended, or otherwise prohibited from professional practice by any federal, state, or local agency;
- I. An Affirmative Action Statement (sample language attached);
- J. A completed Non-Collusion Affidavit (copy of form attached);
- K. A completed Owner Disclosure Information form (copy of form attached);
- L. A statement that the respondent will comply with the General Terms and Conditions required by the Borough and enter into the Borough's standard Professional Services Contract;
- M. A copy of the respondent's Business Registration Certification; and
- N. A completed Disclosure Statement (copy of form attached).

4. **COST PROPOSAL** - Respondents should submit a cost proposal that would include any proposed retainer, the services to be provided for the retainer, if services will be provided at a flat rate, if all or any services will be billed through hourly rates and what are the established rate(s). The Borough does not provide payment for reimbursement for travel expenses. Respondents interested in those positions should include a statement that they will accept the fixed remuneration where applicable. Respondents interested should also include an hourly rate for services. The Borough retains the right to negotiate a reduction to a respondent's cost proposal and shall be under no obligation, express or implied, to communicate any such negotiations with any other respondent. It is also agreed and understood that the acceptance of the final payment by a vendor shall be considered a release in full of all claims against the Borough arising out of, or by reason of, the work done and materials furnished under the contract.

5. **EVALUATION** – The Borough has structured a procurement process that seeks to obtain the desired results described herein, while establishing a competitive process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. The Borough will select the most advantageous proposal(s), if any and as determined in its sole and absolute discretion, based on all of the evaluation factors set forth at the end of this RFQ. The Borough will make the award(s), if any, that is in the best interest of the Borough.

Qualification Statements will be reviewed and evaluated by the Borough 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 areas and other requirements described in this RFQ. Each respondent must satisfy the objectives and requirements detailed in this RFQ. The successful respondent shall be determined by an evaluation of the total content of the Qualification Statement submitted. Under no circumstances will a member of the Review Team review responses to an RFQ for an appointment that he/she or his/her 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 Borough will (in its sole and absolute discretion) determine which respondents are qualified from a professional, administrative and financial perspective. Each respondent that meets the requirements of the RFQ (determined in the sole and absolute discretion of the Borough) will be designated as a Qualified Respondent and may then be given an opportunity to provide services to the Borough.

The RFQ process commences with the issuance of this RFQ. It is anticipated that certain Qualified Respondents will be selected to begin providing services to the Borough as soon as January 1, 2017. There can be no assurance, however, that any Qualified Respondent will be selected.

6. **RESERVATION OF RIGHTS** – The Borough reserves the right to:

- A. Not select any of the proposals;
- B. Select only portions of a particular respondent's proposal for further consideration (however, respondents may specify portions of a proposal that they consider "bundled");
- C. Supplement, amend or otherwise modify the RFQ through issuance of Addenda to all prospective respondents who have received a copy of this RFQ;
- D. Change or alter the schedule for any events called for in this RFQ upon the issuance of Addenda to all prospective respondents who have received a copy of this RFQ;
- E. Negotiate a reduction in or modification to a respondent's cost proposal or any other aspect of a Qualification Statement;

- F. Conduct investigations of any or all of the respondents, as the Borough 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; and
- G. To suspend or terminate the procurement process described in this RFQ at any time (in its sole and absolute discretion). If terminated, the Borough may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the respondents.

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

The Borough shall not be obligated to explain the results of the evaluation process to any person or entity, including, without limitation, any respondent.

The Borough may require respondents to demonstrate any services described in their proposal prior to award.

7. **LIMITATIONS** – This RFQ is not an offer, order or contract and should not be regarded as such, nor shall any obligation or liability be imposed on the Borough by issuance of this RFQ. The Borough reserves the right at the Borough’s sole discretion to refuse any submission. This RFQ does not constitute a Request for Proposal (“RFP”) and does not commit the Borough to issue an RFP.

8. **USE OF INFORMATION** - Any documentation, specifications, drawings, sketches, models, samples, data, computer programs, technical or business information and the like (“Information”) furnished or disclosed by the Borough to the respondent in connection with this RFQ shall remain the property of the Borough. When in tangible form, all copies of such Information shall be returned to the Borough upon request. Unless such Information was previously known to the respondent, free of any obligation to keep it confidential, or has been or is subsequently made public by the Borough or a third party, it shall be held in confidence by the respondent, shall be used only for the purposes of this RFQ, and may not be used for other purposes except upon such terms and conditions as may be mutually agreed upon in writing.

9. **GENERAL TERMS AND CONDITIONS** –

- A. The Borough reserves the right to reject any Qualification Statement in whole or in part or to waive any informalities in a Qualification Statement and, unless otherwise specified by the respondent, to accept any item, items or services in the proposals should it be deemed in the best interest of the Borough to do so.
- B. In case of the failure by a successful respondent to perform, the Borough may procure the articles or services from other sources, deduct the cost of the replacement from money due to the respondent under the contract and hold the respondent responsible for any excess cost occasioned thereby.
- C. The respondent shall maintain sufficient insurance to protect against all claims under Workmen's Compensation, General, Professional and Automobile Liability.

- D.** Each Qualification Statement must be signed by the person authorized to do so.
- E.** Qualification Statements shall be submitted in septuplicate and may be hand delivered or mailed consistent with the provisions of the RFQ procedures outlined herein. In the case of mailed proposals, the Borough assumes no responsibility for Qualification Statements received after the designated date and time and will return late Qualification Statements unopened. Proposals will not be accepted by facsimile or e-mail. Proposals shall be in a sealed envelope, marked "Qualification Statement for the Provision of Legal and Other Professional Services." To be considered, proposals shall be delivered to or received by the Borough Clerk no later than 10:00 a.m. on December 8, 2016.
- F.** Respondents are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27. See attached Exhibit A.
- G.** By submission of a Qualification Statement, the respondent certifies that the service to be furnished will not infringe upon any valid patent, trademark or copyright and a successful respondent shall, at its expense, defend any and all actions or suits charging such infringement, and will save the Borough harmless in any case of any such infringement.
- H.** No respondent shall influence, or attempt to influence, or cause to be influenced, any Borough officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
- I.** No respondent shall cause or influence, or attempt to cause or influence, any Borough officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the respondent or any other person.
- J.** Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the Borough Counsel's decision shall be final and conclusive.
- K.** All costs incurred by the respondent in connection with responding to this RFQ shall be borne solely by the respondent. The Borough of Roselle Park shall not be responsible for any expenditure of monies or other expenses incurred by the respondent.
- L.** The checklist, affidavits, notices and the like presented at the end of this RFQ are a part of this RFQ and shall be completed and submitted as part of a Qualification Statement.
- M.** All Qualification Statements shall become the property of the Borough and will not be returned.

- N.** All Qualification Statements will be made available to the public at the appropriate time, as determined by the Borough (in the exercise of its sole and absolute discretion) and in accordance with law.
- O.** The Borough may request respondents to send representatives to the Borough for interviews with less than 24 hours advance notice.
- P.** Neither the Borough, nor their respective staffs, consultants or advisors (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.

END OF GENERAL INSTRUCTIONS

BASIS OF AWARD

A contract, if any, shall be awarded based upon the following factors:

EVALUATION FACTORS

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

- B. Knowledge of the Borough of Roselle Park and the subject matter to be addressed under this engagement**

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

- D. Qualification Statement contains all required information**

- E. Reasonableness of Cost Proposal**

QUALIFICATION STATEMENT CHECKLIST

THIS CHECKLIST MUST BE COMPLETED, INITIALED, SIGNED AND SUBMITTED WITH YOUR PROPOSAL. A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REFUSAL.

INITIAL BELOW

- A. An original and six signed copies of your complete proposal _____
- B. Non-Collusion Affidavit properly notarized _____
- C. Owners Disclosure Information Form, properly notarized, listing the names of all persons owning ten (10%) percent or more of the proposing entity _____
- D. Authorized signatures on all forms _____
- E. Business Registration Certificate(s) _____
- F. Disclosure Statement _____
- G. Affirmative Action Statement _____

This Qualification Statement is for the following positions (only one comprehensive Qualification Statement need be submitted in septuplicate (i.e., not a separate Qualification Statement for each position sought)):

- ___ Alt. Borough Prosecutor
- ___ COAH/Mt. Laurel
- ___ Borough Tax Appeal
- ___ Municipal Land Use Board Attorney

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

**THE UNDERSIGNED HEREBY ACKNOWLEDGES
THE ABOVE LISTED REQUIREMENTS.**

NAME OF RESPONDENT:

Person, Firm or Corporation

BY: _____ (NAME) _____ (TITLE)

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq. as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personal testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken with-out regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan
Approval Certificate of Employee Information Report
Employee Information Report Form AA302

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant **to Subchapter 10 of the Administrative Code at N.J.A.C.17:27.**

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY)

) ss:

COUNTY OF)

I, _____ of the City of _____

in the County of _____ and the State of _____
of full age, being duly sworn according to the law on my oath depose and say that:

I am _____ of the firm of _____, the respondent submitting making the Qualification Statement, and that I executed the said Qualification Statement with full authority so to do; and that said respondent has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the Qualification Statement; and that all statements contained in said Qualification Statement and in this Affidavit are true and correct, and made with full knowledge that the State of New Jersey relies upon the truth of the statements contained in said Qualification Statement and in the statements contained in this Affidavit in awarding any contract for the named services.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

(Name of Respondent) (N.J.S.A. 52:34-15)

(Also type or print name of Affiant under signature)

Subscribed and sworn to before me this ____
day of _____, 20__.

A Notary Public of

My Commission Expires: _____

OWNER DISCLOSURE INFORMATION

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

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

Name: _____ Name: _____

Address: _____ Address: _____

NAME OF BUSINESS ENTITY

SIGNATURE

TITLE

Notary Public of

My Commission Expires: _____, 20____.

DISCLOSURE STATEMENT

(To be submitted with Qualification Statement)

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

Yes _____

No _____

Name

Position

Relationship

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

Yes _____

No _____

Name

Date

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

Yes _____

No _____

Name

Position

Term

Reason for censure:

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

Yes _____

No _____

Reason for Action:

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

Yes _____

No _____

Name

State, Township or Municipality
Government

Date

- (f) Has your firm sued the Borough of Roselle Park in the past five (5) years? If yes, then please identify the matter/case and provide further written explanation including date and copies of relevant documents.

Yes _____

No _____

Name

Date

By _____ Title _____

CERTIFICATION REGARDING CONTRIBUTIONS

I, _____, of the firm of _____,
in the County of _____ and State of New Jersey, of full age, being sworn
according to the law on my oath depose and say that:

I am the _____
of the firm of _____.

the Professional Service Entity making the submissions for the above named Service, and that I
executed the said submission with full authority to do so; that said Professional Service Entity
acknowledges that it is aware that the Borough of Roselle Park pursuant to Ordinance 2-4
prohibits the awarding of any public contract to any Professional Service Entity that has
contributed in excess of two hundred (\$200.00) dollars to a campaign committee of any Borough
of Roselle Park candidate or holder of the public office having ultimate responsibility for the
award of the contract, or to any Borough of Roselle Park or Union County Party Committee, or
to any political action committee (PAC) that is organized for the primary purpose of promoting
or supporting Borough of Roselle Park municipal candidates or municipal officeholders, within
one (1) calendar year immediately preceding the date of the contract or agreement.

I further warrant that pursuant to Roselle Park Borough Ordinance 2-4, 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 one (1%) percent 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.

I further warrant that I have reviewed Borough Ordinance 2-4.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the
foregoing statements made by me are willfully false, I am subject to punishment for contempt of
Court.

Subscribed and sworn before me
this _____ day of _____

2-4 AWARDING OF PUBLIC PROFESSIONAL SERVICE CONTRACTS.

2-4.1 Prohibition on Awarding Public Contracts to Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the Borough 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, including banking services/relationships or insurance coverage 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 in excess of two hundred (\$200.00) dollars to a campaign committee of any Borough of Roselle Park candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any Borough of Roselle Park or Union County Party Committee, or to any political action committee (PAC) that is organized for the primary purpose of promoting or supporting Borough of Roselle Park municipal candidates or municipal officeholders, within one (1) calendar year immediately preceding the date of the contract or agreement.

b. No professional service provider which enters into negotiations for, or agrees to, any contract or agreement with the Borough or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other no-bid consultants shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions in excess of two hundred (\$200.00) dollars, to any Borough of Roselle Park candidate or holder of the public office within the Borough having ultimate responsibility for the award of the contract, or to any Borough of Roselle Park or Union County Party Committee, or to any PAC that is organized for the primary purpose of promoting or supporting Borough of Roselle Park municipal candidates or municipal officeholders between the time of first communications between that service provider and the Borough regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

c. 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 one (1%) percent 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.

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

1. The Borough of Roselle Park 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

2. The Mayor of the Borough of Roselle Park, if the contract requires the approval of the Mayor or a public officer who is responsible for the award of a contract if that public officer is appointed by the Mayor; or

3. Both number one and two.
(Ord. No. 2395)

2-4.2 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions in excess of two hundred (\$200.00) dollars, made by a professional service provider to any

Borough of Roselle Park candidate for Mayor or Council, or municipal or County party committee or PAC referenced in this section shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever in excess of two hundred (\$200.00) dollars, be disqualified thereby, if that contribution or agreement was made by the professional service provider prior to the effective date of this section. (This section was adopted November 7, 2013) (Ord. No. 2395)

2-4.3 Contribution Statement by Professional Service Provider.

a. Prior to awarding any contract or agreement to procure services, including banking or insurance coverage services, with any professional service provider, the Borough or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the professional service provider made under penalty of perjury that the bidder or offeror has not made a contribution in excess of two hundred (\$200.00) dollars in violation of Section 2-4 hereof;

b. 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 Borough and shall be in addition to any other certifications that may be required by any other provisions of law.

(Ord. No. 2395)

2-4.4 Violations and Penalties.

a. All Borough of Roselle Park 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 Section 2-4, to violate Section 2-4 or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries or any Union County Party Committee for the purpose of concealing or misrepresenting the source of the contribution.

b. Any professional service provider, as defined in Section 2-4, who knowingly fails to reveal a contribution made in violation of this section, or who knowingly makes or solicits contributions through an intermediary, including but not limited to a Union County Party Committee, for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Borough of Roselle Park contracts for a period of four (4) calendar years from the date of the violation.

c. Any person violating any of the provisions of this section shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5.

(Ord. No. 2395)