

Township of Teaneck

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COUNCIL

MOHAMMED HAMEEDUDDIN
MAYOR

ELIE Y. KATZ
DEPUTY MAYOR

HENRY J. PRUITT
DEPUTY MAYOR

JASON CASTLE
GERVONN ROMNEY RICE
MARK J. SCHWARTZ
ALAN SOHN

WILLIAM BROUGHTON
TOWNSHIP MANAGER

DEAN B. KAZINCI
DEPUTY TWP. MANAGER

ISSA ABBASI, MPA, RMC
TOWNSHIP CLERK

JOHN SHAHDANIAN II, ESQ.
TOWNSHIP ATTORNEY

April 2, 2018

(Via Certified Mail, R/R/R)

Tahesha Way, Esq.
Secretary of State
Office of the Secretary
PO Box 300
Trenton, NJ 08625-0300

Re: Ordinance #19-2017

Dear Secretary Way,

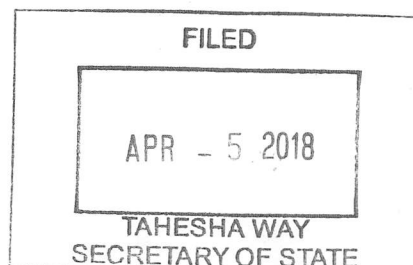
Attached please find two certified copies of Ordinance 19-2017. The ordinance was introduced at the Township of Teaneck Council Meeting on May 23, 2017 and adopted on June 13, 2017. The ordinance has been in effect since July 28, 2017.

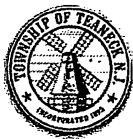
Please indicate your department's receipt on one copy of the ordinance and return to this office at your earliest convenience.

Regards,

Issa A. Abbasi, MPA, RMC
Township Clerk

cc: William Broughton, Township Manager
Dean B. Kazinci, Deputy Township Manager
John L. Shahdanian, Esq., Township Attorney





ORDINANCE (ID # 4049)

ORDINANCE NO. 19-2017 PUBLIC CONTRACTING REFORM ORDINANCE BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #19-2017 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

PUBLIC CONTRACTING REFORM ORDINANCE

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #19-2017 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

HISTORY:

05/23/17 Township Council INTRODUCED

As this ordinance was not listed on the agenda prior to Good and Welfare, the Mayor opened the floor for public comments.

Dr. Charles Powers - provided a historical background of the adopted Pay-to-Play ordinance done via referendum; referenced the Township's prior inability to obtain professional services vendors who met the Township's pay-to-play ordinance; believed the Council already had knowledge of the professional service vendors they wished to conduct business with; and did not agree with the proposed motion to move to the State's pay-to-play ordinance.

Keith Kaplan - spoke about the Township's detailed rules on where campaign contributions are made to members of the Township Council; suggested the Council review the State's pay-to-play requirements meet the Township's goal in limiting and eliminating nefarious conduct by bidders.

Councilman Castle thanked residents who came forward with their concerns respecting the pay-to-play ordinance; referenced the need not to move from one extreme to another with respect to Ordinance 19-2017; and hoped his colleagues would vote down Ordinance 19-2017 as he did not believe it was in the best interest of the Township, elections, or transparency.

Councilman Sohn believed the Township had too many no-bid contracts; wished to see more uses of competitive contracting, especially with professional services contracts, and voiced his desire to vote "no" on Ordinance 19-2017.

Mayor Hameeduddin requested any individual who believed the Township was engaging in "bid rigging" to forward their concerns to the State Attorney General, Bergen County Prosecutor's Office, and U.S. Attorney General. He further discussed Council's desire to mirror current pay-to-play laws; and discussed his current ELEC reports.

Councilman Schwartz made a motion to extend the meeting until 11:30 P.M.

Seconded by Mayor Hameeduddin.

Roll Call

Yes - Councilman Castle, Councilman Schwartz, Councilman Sohn, Deputy Mayor Pruitt, Deputy Mayor Katz, Mayor Hameeduddin.

No - None.

Motion passes.

RESULT:	ADOPTED BY CONSENT VOTE [5 TO 1]
MOVER:	Mohammed Hameeduddin, Mayor
SECONDER:	Elie Y. Katz, Deputy Mayor
AYES:	Katz, Hameeduddin, Pruitt, Rice, Schwartz
NAYS:	Alan Sohn
ABSENT:	Jason Castle

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

**ORDINANCE NO. 19-2017 PUBLIC CONTRACTING REFORM
ORDINANCE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF TEANECK THAT ORDINANCE #19-2017 PASS
UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP
CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE
THE SAME ACCORDING TO LAW AND TO PROVIDE THE
APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.**

WHEREAS, large political contributions from those seeking to or performing business with a municipality, raises reasonable concerns on the part of taxpayers and residents as to their trust in government contracts;

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-law as necessary and proper for good government, as well as the public health, safety and welfare; and

WHEREAS, pursuant to P.L.2005, c.271, a municipality is authorized to adopt by ordinance measures limiting the awarding of public contracts to business entities that have made political contributions and limiting the contributions that the holders of a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the Township Council desires to establish a policy that will avoid the perception of improper influence in local elections.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Teaneck, in the County of Bergen, and State of New Jersey, as follows:

SECTION 1. Chapter 12, entitled "Contracts, Public" of the Code of the Township of Teaneck, is hereby amended to read in full as follows:

Sec. 12-1. Prohibition on Awarding Public Contracts to Certain Contributors

(a) To the extent that it is not inconsistent with state or federal law, the Township of Teaneck and any of its purchasing agents or departments or instrumentalities of the municipality thereof, as the case may be, shall not enter into any agreement or otherwise contract to procure services from any professional business entity or vendor in excess of \$17,500 in the aggregate per year, excepting those contracts awarded under a public exigency (N.J.S.A. 40A:11-6) or those awarded pursuant to a "fair and open process" whereby the award is required to be made to the lowest responsible bidder, if such professional business entity or vendor has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to (i) a campaign committee of any municipal candidate or holder of public office in the Township of Teaneck having ultimate responsibility for the award of a contract, or (ii) to any Township of Teaneck party committee, or (iii) to any candidate committee or political action committee (PAC) that regularly engages in, or whose primary purpose is the support of Teaneck municipal elections and/or Teaneck municipal parties, in excess of the thresholds specified in subsection (d)

within the preceding one-year period from the date of the award of the contract or agreement.

(b) No professional business entity or vendor who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement in excess of \$17,500 in the aggregate per year (excepting emergency contracts awarded by 40A:11-6 or under the "fair and open" process pursuant to 19:44A-20 *et seq.* whereby the award is required to be made to the lowest responsible bidder) with the Township of Teaneck or any departments thereof, for the rendition of professional services, or goods and services, as the case may be, shall knowingly solicit or make any contribution of money, pledge of contribution, including in-kind contributions, to (i) a campaign committee of any municipal candidate or holder of public office in the Township of Teaneck having ultimate responsibility for the award of a contract, or (ii) to any Township of Teaneck party committee, or (iii) to any candidate committee or political action committee (PAC) that regularly engages in, or whose primary purpose is the support of Teaneck municipal elections and/or Teaneck municipal parties, between the time of first communication between that professional business entity or vendor and the Township of Teaneck regarding a specific professional services agreement or goods and services agreement, as the case may be, and the later of the termination of negotiations or rejection of any proposal, or the completion of the contract or agreement.

(c) For purposes of this ordinance, a "professional business entity" and a "vendor" seeking a public contract mean 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 business entity and vendor includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity or vendor, as well as any subsidiaries directly controlled by the business entity or vendor.

(d) Any individual meeting the definition of "professional business entity" or "vendor" under this section may contribute a maximum of \$300 each per election for any purpose to (i) a campaign committee of any municipal candidate or holder of public office in the Township of Teaneck having ultimate responsibility for the award of a contract, or (ii) to any Township of Teaneck party committee, or (iii) to any candidate committee or political action committee (PAC) that regularly engages in, or whose primary purpose is the support of Teaneck municipal elections and/or Teaneck municipal parties without violating subsection (a) of this section. However, any group of individuals meeting the definition of "professional business entity" or "vendor" under this section, including such principals, partners, and officers of the entity or vendor in the aggregate, may not annually contribute for any purpose in excess of \$2,500 per election to all Township of Teaneck candidates and officeholders with ultimate responsibility for the award of the contract, and all Township of Teaneck political parties, candidate committees, and PACs referenced in this ordinance combined, without violating subsection (a) of this section.

(e) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be the Township Council.

SE. 12-2. 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 or vendor to any Township of Teaneck municipal candidate, or Township of Teaneck party committee, or candidate committee, or PAC referenced in this

ordinance shall be deemed a violation of this ordinance, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity or vendor prior to the effective date of ordinance no. 4029.

SEC. 12-3. Contribution Statement by Professional Business Entity and Vendors

- (a) Prior to awarding any contract or agreement to procure services with any professional business entity and any contract or agreement to procure goods and services from a vendor in excess of \$17,500 in the aggregate per year, the Township of Teaneck or its purchasing agents and departments, as the case may be, shall receive a sworn statement from the professional business entity or vendor, made under penalty of perjury, that the bidder or offeror has not made a contribution in violation of Section 1 of this ordinance.
- (b) The professional business entity and vendor shall have a continuing duty to report any violations of this ordinance that may occur during the negotiation, proposal process 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 of Teaneck, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

SEC. 12- 4. Return of Excess Contributions

A professional business entity, vendor, or Teaneck municipal candidate or officeholder, or Township of Teaneck party committee, candidate committee, or PAC referenced in this ordinance, may cure a violation of Section 1 of this Ordinance, if, within 60 days after the date on which the contribution was made, the professional business entity or vendor notifies the Township of Teaneck, in writing, and seeks and receives reimbursement of the contribution from the relevant municipal candidate or officeholder, Township of Teaneck political party, candidate committee, or PAC referenced in this ordinance.

SEC. 12- 5. Violations

It shall be a breach of the terms of the Township of Teaneck professional service agreement or agreement for goods or services for a business entity to:

- (1) make or solicit a contribution in violation of this ordinance;
- (2) knowingly conceal or misrepresent a contribution given or received;
- (3) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;
- (4) make or solicit any contribution the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Township of Teaneck;
- (5) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this ordinance;
- (6) fund contributions made by third parties, including consultants, attorneys, family members, and employees;
- (7) engage in any exchange of contributions to circumvent the intent of this ordinance;

(8) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this ordinance.

SEC. 12- 6. Disqualification

Any professional business entity who violates any provisions of paragraphs (1) through (8) of Section 5 of this ordinance, shall be disqualified from eligibility for future Township of Teaneck contracts for a period of four calendar years from the date of the violation.

SECTION 2. Severability

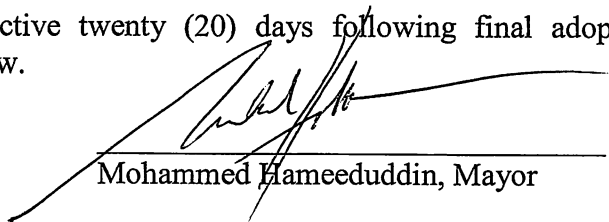
If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 3. Inconsistency


All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 4. Effective Date

This ordinance shall become effective twenty (20) days following final adoption and publication thereof as required by law.


Mohammed Hameeduddin, Mayor

ATTEST:


Issa Abbasi, Township Clerk

Introduced: 5/23/17

Adopted: 6/13/17

