



West Amwell Township  
150 Rocktown-Lamb. Road, Lambertville, New Jersey 08530-3203  
(609) 397-2054 (609) 397-8634 FAX

November 3, 2011

The Honorable Kim Guadagno  
Lt. Governor/Secretary of State  
PO Box 300  
Trenton NJ 08625

RE: Pay to Play Ordinance

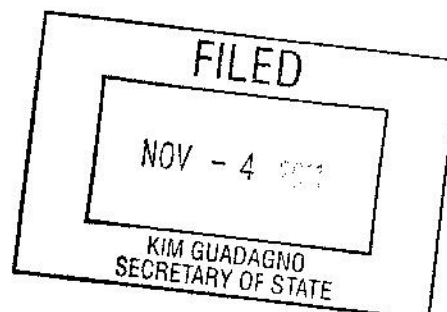
Dear Ms. Guadagno:

Enclosed is a copy of the referenced ordinance that was adopted by the West Amwell Township Committee at their meeting of October 26, 2011.

Sincerely,

Lora L. Olsen, RMC  
Township Clerk

Enclosure





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## CERTIFICATION

Ordinance 16, 2011

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO ESTABLISH RULES REGARDING THE AWARD OF PUBLIC PROFESSIONAL SERVICE CONTRACTS**

I hereby certify the attached to be a true copy of an ordinance introduced on September 28, 2011 and finally adopted on October 26, 2011 by the West Amwell Township Committee.

A handwritten signature in cursive script that reads "Lora L. Olsen".

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Lora L. Olsen, RMC  
Township Clerk

**TOWNSHIP OF WEST AMWELL**

**Ordinance 16, 2011**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WEST AMWELL,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO ESTABLISH RULES REGARDING  
THE AWARD OF PUBLIC PROFESSIONAL SERVICE CONTRACTS**

**WHEREAS**, professional service contracts are exempt from public bidding requirements under the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

**WHEREAS**, it has become common for professional service providers to make substantial political contributions, whether directly or through intermediaries, including but not limited to Hunterdon County Party Committees, to the election campaigns of the local government elected officers who are ultimately responsible for awarding professional service contracts or other contracts or agreements which are not subject to public bidding; and

**WHEREAS**, local political contributions from professionals receiving discretionary contracts from the elected officials who receive such contributions may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government, if not the quality or cost of services received; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professional business entities; and

**WHEREAS**, nothing contained herein shall be interpreted to impair in any way the right of a professional service provider secured by the First Amendment of the Constitution of the United States of America and further secured by Article 1, Paragraph 6 of the Constitution of the State of New Jersey to exercise its right to freedom of speech and its right to speak, write and publish its sentiments on all subjects.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of West Amwell, in the County of Hunterdon, and State of New Jersey, that the policy of the Township of West Amwell will be to create such a regulation which states that a professional service provider which makes political contributions to elected officials who are responsible for awarding professional service contracts shall be ineligible to receive a public professional service contract from the Township of West Amwell.

**BE IT FURTHER RESOLVED**, once established, a Township policy for the awarding of public professional services contracts, is to be incorporated within the Administrative Section of the Code of the Township of West Amwell as follows:

## **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 service provider to any Township of West Amwell candidate for ~~Mayor or~~ Township Committee, or municipal or county party committee or PAC referenced in this Ordinance 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 service provider prior to the effective date of this section.

## **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 Township 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 violation 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 section 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 provisions of law.

## **4. Penalty.**

- a) All Township of West Amwell professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional service provider, as previously defined, to violate that section or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries or any Hunterdon County Party Committee for the purpose of concealing or misrepresenting the source of the contribution.
- b) Any professional service provider, as previously defined, 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 Hunterdon County Party Committee, for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future West Amwell Township contracts for a period of four (4) calendar years from the date of the violation.

### Section 2:

**BE IT FURTHER RESOLVED**, that 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 any Court of competent jurisdiction, such judgment 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.