



# BOROUGH OF BLOOMINGDALE

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101 HAMBURG TURNPIKE • BLOOMINGDALE, NEW JERSEY 07403  
(TEL) 973-838-0778 (FAX) 973-838-5115

January 1, 2017

TO: Professionals, Contractors and Vendors

As you are aware, P.L. 2004 C.19, the New Jersey “Local Pay-to-Play Law” went into effect on January 1, 2006. All contracts having a value in excess of \$17,500 must be awarded through a “fair and open” process or a “non fair and open” process. If you are not familiar with the law, we would suggest that you review the Guide Book which is downloadable from the Department of Community Affairs website, [www.jn.gov/dca/lgs/p2p](http://www.jn.gov/dca/lgs/p2p).

The Borough of Bloomingdale has determined to award professional service contracts through a non-fair and open process. The process called for is consistent with the Local Public Contracts Law in terms of professional service contracts. Moreover, the “non-fair and open” process results in strict adherence to the Pay-to-Play Law, in that, contributions to political committees of elected officials will not be permitted.

We have enclosed the following forms for your submittal with your proposal and/or contract.

- Business Entity Disclosure Certification
- Chapter 271 Political Contribution Disclosure
- Stockholder Disclosure Certification
- Evidence of affirmative action compliance

Also, enclosed is a sample Mandatory Equal Employment Opportunity Language.

## **Pay to Play**

You must comply with three “Pay to Play” laws – one known as “Chapter 19”, one known as “Chapter 271”, and the Borough’s “Pay to Play” ordinance. As a result of these laws, for any contract in excess of \$17,500, the contract must be awarded in accordance with certain procedures, depending on whether the Mayor and Council follows the “fair and open” process or the “non-fair and open” process. This will impact, among other contracts, all of the Borough’s contracts with its professionals that exceed \$17,500. For 2017, the Mayor and Council has decided to follow the “non-fair and open” process.

## **Chapter 19**

If awarded a contract, under this statutory “non-fair and open” process, you are not permitted to donate more than \$300 to the political party committee, named candidate committee, or joint candidate committee for the members of the Mayor and Council, either during the term of the contract, or for the one year preceding the contract. You will need to sign a “Business Entity Disclosure Certification” (see attached), and specific language would have to be included in the contract and in the resolution awarding the contract. The Business Entity Disclosure Certification must be submitted prior to the contract award.

## **Chapter 271**

Chapter 271 requires that all businesses receiving “non-fair and open” contracts submit a “Chapter 271 Political Contribution Disclosure Form” to the Borough *no later than 10 days prior to the contract being awarded* so please have the documentation in as soon as possible. This disclosure is in addition to the Business Entity Disclosure Certification required under Chapter 19. The disclosure must include all reportable contributions made during the twelve month period preceding award of the contract. Attached is the Chapter 271 Political Contribution Disclosure Form, “Contractor Instructions,” Stockholder Disclosure Certification, and the list of agencies with elected officials required for political contribution disclosure.

## **Affirmative Action – Equal Employment Opportunity**

In accordance with the State’s affirmative action requirements, all professional services contracts must contain specific mandatory Equal Employment Opportunity language (see attached). This language will be appended to your contract. In addition, you must provide evidence of appropriate affirmative action compliance prior to execution of the contract. You must submit one of the following documents:

1. A certificate of Employee Information Report (hereafter “Certificate”), issued in accordance with N.J.A.C. 17:27-1.1, *et seq.* The Certificate represents the review and approval of the vendor’s Employee Information Report (Form AA-302) by the New Jersey Division of Contract Compliance (hereafter “the Division”). Or,
2. You must complete an initial Employee Information Report (Form AA-302) and submit it to the Division with a copy to the Borough. Upon submission and review by the Division, this report shall constitute evidence of compliance with the regulations. A copy of the form with instructions is annexed hereto for your use, if needed. Or,
3. Letter of Federal Approval indicating that you are operating under an existing federally approved or sanctioned affirmative action program.

If you have any questions, the New Jersey Division of Contract Compliance website has a lot of information ([http://www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance)). Please provide the required

evidence of affirmative action compliance at your earliest convenience.

Please forward the completed Business Entity Disclosure Certification, Chapter 271 Political Contribution Disclosure, Stockholder Disclosure Certification forms and evidence of affirmative action compliance which will permit the Mayor and Council to appoint you. Please submit all documents ten days before the contract/appointment is to be done. The Governing Body will be unable to make the appointment if you fail to submit these documents.

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Jane McCarthy". The signature is written in a cursive style with a large, looping initial "J" and a long, sweeping underline.

Jane McCarthy, RMC  
Municipal Clerk

Encls.

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
**FOR NON-FAIR AND OPEN CONTRACTS**  
Required Pursuant To N.J.S.A. 19:44A-20.8  
**BLOOMINGDALE**

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.

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**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)

**BUSINESS ENTITY DISCLOSURE CERTIFICATION  
FOR NON-FAIR AND OPEN CONTRACTS  
Required Pursuant To N.J.S.A. 19:44A-20.8  
BOROUGH OF BLOOMINGDALE (CONTINUED)**

**Part I – Vendor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the \_\_\_\_\_ <name of business entity> has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 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 Borough of Bloomingdale as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

|                                  |                                           |
|----------------------------------|-------------------------------------------|
| Jonathan Dunleavy - Mayor        | Ray Yazdi - Councilman                    |
| Anthony Costa - Councilman       | Committee to elect Bloomingdale Democrats |
| John D'Amato - Councilman        |                                           |
| Richard Dellaripa - Councilman   |                                           |
| Dawn Hudson - Councilwoman       |                                           |
| Michael Sondermeyer - Councilman |                                           |

**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 |
|------------------------------|--------------|
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**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: \_\_\_\_\_

Signature of Affiant: \_\_\_\_\_ Title: \_\_\_\_\_

Printed Name of Affiant : \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

My Commission expires:

\_\_\_\_\_  
(Witnessed or attested by)

\_\_\_\_\_  
(Seal)

# 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.”

**BOROUGH OF BLOOMINGDALE  
CONTRIBUTION DISCLOSURE**

**LIST OF ENTITIES FOR ANY CONTRACTS AWARDED IN 2017 PURSUANT TO N.J.S.A.  
19:44A-20.26 AND SECTION § 15-37. "PAY TO PLAY POLICY; AWARDED CONTRACTS" OF  
THE BOROUGH CODE**

**BOROUGH OF BLOOMINGDALE**

|                               |  |
|-------------------------------|--|
| Jonathan Dunleavy - Mayor     |  |
| Anthony Costa – Councilman    |  |
| John D’Amato - Councilman     |  |
| Richard Dellaripa- Councilman |  |
| Dawn Hudson – Councilwoman    |  |
| Michael Sondermeyer           |  |
| Ray Yazdi - Councilman        |  |

Any contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly, to any campaign committee or election fund of any candidate for, or holder of the office of, Mayor or Council of the Borough, or to any municipal or party committee or political club or organization within the Borough.

**List of Agencies with Elected Officials Required for Political Contribution Disclosure  
N.J.S.A. 19:44A-20.26**

**County Name: Passaic**

State: Governor, and Legislative Leadership Committees

Legislative District #: 26, 34, 35, 36, 39 & 40

State Senator and two members of the General Assembly per district.

County:

Freeholders

County Clerk

Sheriff

Surrogate

Registrar of Deeds

Any contributions contribution, whether in the form of money, free service or pledge, including without limitation any in-kind contributions, or purchases of tickets, advertisements or the like, directly or indirectly, to any County level political organization or County level campaign committee or fund within the County of Passaic.

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

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

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**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 |
|------------------|----------------|------|---------------|
|                  |                |      | \$            |
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## 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 |
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**STATEMENT OF OWNERSHIP DISCLOSURE**

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

**Name of Organization:** \_\_\_\_\_

**Organization Address:** \_\_\_\_\_

**Part I** Check the box that represents the type of business organization:

- Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- For-Profit Corporation (any type)     Limited Liability Company (LLC)
- Partnership     Limited Partnership     Limited Liability Partnership (LLP)
- Other (be specific): \_\_\_\_\_

**Part II**

The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

| Name of Individual or Business Entity | Home Address (for Individuals) or Business Address |
|---------------------------------------|----------------------------------------------------|
|                                       |                                                    |
|                                       |                                                    |
|                                       |                                                    |
|                                       |                                                    |

**Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II**

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

| Website (URL) containing the last annual SEC (or foreign equivalent) filing | Page #'s |
|-----------------------------------------------------------------------------|----------|
|                                                                             |          |
|                                                                             |          |
|                                                                             |          |

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II other than for any publicly traded parent entities referenced above. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

| Stockholder/Partner/Member and Corresponding Entity Listed in Part II | Home Address (for Individuals) or Business Address |
|-----------------------------------------------------------------------|----------------------------------------------------|
|                                                                       |                                                    |
|                                                                       |                                                    |
|                                                                       |                                                    |

**Part IV Certification**

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the ***Borough of Bloomingdale*** is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with ***the Borough of Bloomingdale*** to notify the ***Borough of Bloomingdale*** in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the ***Borough of Bloomingdale*** to declare any contract(s) resulting from this certification void and unenforceable.

|                    |  |        |  |
|--------------------|--|--------|--|
| Full Name (Print): |  | Title: |  |
| Signature:         |  | Date:  |  |