

**REQUEST FOR PROPOSAL/QUALIFICATIONS
FOR
CERTIFIED LEAD BASE PAINT INSPECTOR**

**Issued by the
The Township of Evesham**



**Date Issued:
December 29, 2023**

Proposals must be submitted to the Township Clerk, Room 201, by 3:00 P.M. on **January 23, 2024** at which time the proposals will be publicly opened in Conference Room “B” of the Evesham Township Municipal Complex, 984 Tuckerton Road, Marlton, NJ 08053.

**REQUEST FOR PROPOSAL & QUALIFICATIONS (RFP)
FOR
CERTIFIED LEAD BASE PAINT INSPECTOR**

I. PURPOSE AND INTENT

Through this Request for Proposal & Qualifications (RFP), the Township of Evesham (hereinafter the “Township”) seeks to engage a vendor as Certified Lead Base Paint Inspector for the Township upon appointment until December 31, 2024. This contract will be awarded through a fair and open process pursuant to NJSA 19:44A-20.4 et seq. and Chapter 27 of the Code of the Township of Evesham.

II. PROPOSAL SUBMISSION

The Township requires the proposal be submitted in the following format:

One (1) original, hard copy, plus One (1) copy of the full proposal in PDF File Format on a flash drive, shall be submitted in sealed envelopes and must be marked with the “Certified Lead Base Paint Inspector” and addressed to:

Rebecca Andrews, Acting Township Clerk
Township of Evesham
984 Tuckerton Road
Marlton, New Jersey 08053

The proposal must be received **by 3:00 P.M. on Tuesday, January 23, 2024** at which time the proposals will be publicly opened in Conference Room “B” of the Evesham Township Municipal Complex, 984 Tuckerton Road, Marlton, NJ 08053.

Faxed proposals will NOT be accepted.

Any inquiry concerning this RFP should be directed in writing to:

Lavon Phillips
Acting Township Manager
Township of Evesham
984 Tuckerton Road
Marlton, New Jersey 08053

All documents/information submitted in response to this solicitation shall be available to the general public as required by the New Jersey Open Public Records Act N.J.S.A. 47:1A-1 et seq. The Township will not be responsible for any costs associated with the oral or written and/or presentation of the proposals. The Township further reserves the right to

reject any and all proposals, with or without cause, and waive any irregularities or informalities in the proposals. The Township further reserves the right to make such investigations as it deems necessary as to the qualifications of any and all vendors submitting proposals. In the event that all proposals are rejected, the Township reserves the right to re-solicit proposals.

III. GENERAL INFORMATION ON THE TOWNSHIP OF EVESHAM

The Township of Evesham operates under a Council-Manager Form of Government pursuant to NJSA 40:69A-83. The Township is approximately 32 square miles, has a population of 45,533, an annual operating budget of \$40 million, approximately 300 employees (175) who are full time, the remainder part-time or seasonal, and the township owns an 18 hole golf course and Country Club (Indian Spring Country Club). The Township Council meets at least once a month as well as special meetings on an as needed basis.

IV. MINIMUM QUALIFICATIONS

See Exhibit A

V. MANDATORY CONTENTS OF PROPOSAL

Definitions

While an applicant does not have to match each item exactly, the following is what is generally meant when used in this RFP.

- Scope: magnitude of the project, and value of the contract
- Size: when used in this context refers to such things as: budget, miles of roads, number of employees, acres of recreation areas, size of municipal bonds, population, number of homes.
- Similar: refers to such things as towns that are partially or wholly in the Pinelands, have areas of dense suburban development, have areas of non-dense woodlands, have large recreation complexes, contain streams and lakes, contain federally regulated wetlands and have a self-liquidating utility.

In addition to demonstrating an ability to meet all minimum qualifications in Exhibit A, the firm must also include and address the following:

- 1) Contact Information: Provide the name and address of the firm; the name, telephone number, fax number, and e-mail address of the individual responsible for the preparation of the proposal.
- 2) A fee proposal for the 2024 Township year. A proposal showing minimum and maximum ranges is not acceptable.

- 3) For professionals billing hourly rates, invoices shall include: (a) matter name, (b) professional's name, (c) hourly rate, (d) the time spent on each particular task or service, (e) total charge for each billing entry, (f) itemized list of any expenses, (g) detailed description of the task or service performed. No block billing is allowed for professionals billing on an hourly basis.
- 4) No billing shall be charged for clerical or secretarial work. Charges for this work shall be covered in the professionals' hourly rate.
- 5) A statement of compliance with Chapter 27 of the Code of the Township of Evesham (sample attached)
- 6) **A copy of professional's New Jersey Business Registration Certificate required by the State of New Jersey for any business planning to contract with any public agency.**
- 7) **A completed professional's W-9 Request for Taxpayer Identification Number and Certification form.**
- 8) An executive summary of not more than two pages, identifying and substantiating why the vendor is best qualified to provide the requested services.
- 9) A staffing plan listing those persons who will be assigned to the engagement if the vendor is selected, including the designation of the person who would be the vendor's officer responsible for all services required under the engagement. This portion of the proposal should include the relevant resume information for the individuals who will be assigned. This information should include, at a minimum, a description of the person's relevant professional experience, years and type of experience, and number of years with the vendor.
- 10) A description of the vendor's experience in performing services of the type described in this RFP. Specifically identify client size and specific examples of work within the scope of services required under this RFP in **similarly sized municipalities. It is imperative to show experience in similarly sized towns.**
- 11) The location of the office, if other than the vendor's main office, at which the vendor proposes to perform services required under this RFP. Describe your presence in New Jersey and any familiarity your firm has with the Burlington County area.
- 12) Five references, including three current clients for whom services have been provided for at least three years and two former clients for whom services have been provided within the past seven years. Provide the contact names, titles and phone numbers.
- 13) If the vendor or any principal therein has been engaged as a defendant in any litigation involving a sum of \$100,000 or more and/or has been subject to any professional

disciplinary action over the last three years, the bidder must provide a description of the litigation and/or disciplinary action.

- 14) A description of any ongoing investigations and/or litigation matters involving the applicant, its directors, officers and principals and any individuals employed by the applicant that relate to the performance of the vendor in the proposed field of expertise.
- 15) In its proposal, the vendor must identify any existing or potential conflicts of interest, and disclose any representation of parties or other relationships that might be considered a conflict of interest with regard to this engagement, or the Township.
- 16) Billing for reimbursement for travel expenses by the vendor must be approved in advance by the Township Manager or his/her designee.
- 17) **Executed Disclosure of Investment Activities in Iran form.** (see form provided)

VI. INTERVIEW

The Township Manager reserves the right to interview any or all of the applicants submitting a proposal. Although interviews may take place, the proposal should be comprehensive and complete on its face. The Township reserves the right to request clarifying information subsequent to submission of the proposal.

VII. SELECTION PROCESS

All proposals will be reviewed by the Township Manager to determine responsiveness. Non-responsive proposals will be rejected without evaluation. For vendors that satisfy IV “Minimum Requirements” and V “Mandatory Contents of Proposal” the Township will evaluate proposals based on the following evaluation criteria, separate or combined in some manner, and not necessarily listed in order of significance:

- (a) The vendor’s general approach to providing the services required under this RFP.
- (b) The vendor’s documented experience in successfully completing contracts of a similar size and scope to the engagement addressed by this RFP
- (c) The qualifications and experience of the vendor’s management, supervisory or other key personnel assigned to the engagement, with emphasis on documented experience in successfully completing work on contracts of similar size and scope to the services required by this RFP.
- (d) The overall ability of the vendor to mobilize, undertake and successfully complete the scope of work in a timely fashion. This criterion will include, but not be limited to, the following factors: the number and qualifications of management, supervisory and other staff proposed by the vendor to perform the services required by this RFP; the availability and commitment to the engagement of the vendor’s management, supervisory and other staff proposed.
- (e) Costs and fee schedules.

VIII. SELECTION AND CONTRACT

The Township will select the vendor deemed most advantageous to the Township, price and other factors considered. The resulting contract will include this RFP, any clarifications or addenda thereto, the selected vendor's proposal, and any changes negotiated by the parties.

Exhibit A

Township of Evesham

Request for Proposals & Qualifications for Municipal Professionals

Minimum Qualifications

Applicant vendors **must** establish that they meet the following minimum qualifications:

CERTIFIED LEAD BASE PAINT INSPECTOR

Scope of Services

The Township is seeking the services of a New Jersey state certified lead-based paint inspector to provide lead inspection services consistent with the requirements of P.L. 2021, c. 182 & NJSA 5:28A and Township Code 59 (on-site surface-by-surface, room-by-room inspection of the interior and exterior of the home using XRF equipment) as defined in MDCH Lead Hazard Remediation Rule 14 (R 325.9914). The successful firm/inspector will enter a non-exclusive, 12 month agreement with the Township for inspection services when needed. The firm chosen must perform the work, the use of subcontractors is specifically prohibited under the contract awarded.

Quotation Content

Sample Result Reports. Attach two examples of Lead Based Paint Inspection Reports and the Lead Safe Certificate that would be issued consistent with NJDCA requirements.

Describe your firm's ability and certifications to provide services.

Include your hours and days of operations.

Describe your commitment to provide expedited services upon request.

How many of your current employees are capable of providing the requested services?

Fee Schedule.

1. Provide a comprehensive breakdown of the inspection services provided and associated fee schedules. Including but not limited to initial inspections and re-

GENERAL REQUIREMENTS: AT A MINIMUM, THE RESPONDING FIRM OR ENTITY:

1. Must demonstrate proficiency, knowledge and experience in the above areas and that it/he/she is qualified and/or licensed to perform and provide all services set forth within the body of this Request for Qualifications/Request for Proposals as defined. The firm chosen must perform the work, the use of subcontractors is specifically prohibited under the contract awarded.

INSURANCE REQUIREMENTS:

Worker's Compensation Insurance

Workers Compensation Insurance shall be maintained in full force during the life of the contract, covering all employees engaged in performance of the contract pursuant to N.J.S.A. 34:15-12(a) and N.J.A.C. 12:235-1.6.

Automotive Liability Insurance

Automotive liability insurance covering the contractor for claims arising from owned, hired and non-owned vehicles with limits of not less than \$1,000,000 for any one occurrence and \$2,000,000 aggregate for bodily injury and property damage. Coverage shall be maintained in full force during the life of the contract.

Professional Liability Insurance

Professional liability insurance covering contractor for claims arising from its representation of the municipality with limits of not less than \$1,000,000 for any one occurrence, which shall be claim based, and coverage shall be maintained in full force and effect during the life of the contract.

WORK PRODUCT/DELIVERABLES:

All work products of the Contractor which result from this contract are the exclusive property of the Township.

EVALUATION, REVIEW AND SELECTION PROCESS

1. RFP responses shall remain open for a period of ninety (90) calendar days from the stated submittal date. The Township will either award the contract within the applicable time period or reject all proposals.
2. The Township may extend the decision to award or reject all proposals beyond the ninety (90) calendar days when the proposals of any respondents who consent thereto may, at the request of the Township, be held for consideration for such longer period as may be agreed.
3. The Township reserves the right to reject any or all proposals, or to reject any proposal if the evidence submitted by, or investigation of such respondent fails to satisfy the Township that such respondent is properly qualified to carry out the obligations of the RFQ and to complete the work contemplated therein. The Township reserves the right to waive any minor informality in the RFP.
4. An evaluation team will review all proposals to determine if they satisfy the Proposal Requirements, determine if a proposal should be rejected and evaluate the proposals based upon the Evaluation Criteria. The highest-ranking respondent will then be recommended to the governing body for award of contract.
5. The criteria considered in the evaluation of each proposal is as follows:
 - A. Proposal conforms to format provided.
 - B. Resume and qualifications of professional.
 - C. Qualifications of team.
 - D. References and record of success in similar sized municipal organizations.
 - E. Ability to respond to the Scope of Services previously outlined.
 - F. Competitiveness of Fee Proposal.
6. Non-compliance with significant instructions will be grounds for disqualification of proposals.

**Statement of Compliance with Chapter 27
of the Code of the Township of Evesham**

The undersigned being authorized and knowledgeable of the circumstances,
does pursuant to Chapter 27 hereby swear under penalty of perjury that

(firm name)

is in compliance with the aforesaid Chapter 27 of the Code of the Township of Evesham.

I further acknowledge our continuing duty to report any violations of said ordinance during the term of our contract.

Signature

Name and Title

Date



DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN FORM

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY - DIVISION OF PURCHASE AND PROPERTY
33 WEST STATE STREET, P.O. BOX 230 TRENTON, NEW JERSEY 08625-0230

BID SOLICITATION # AND TITLE: _____

VENDOR NAME: _____

Pursuant to N.J.S.A. 52:32-57, et seq. (P.L. 2012, c.25 and P.L. 2021, c.4) any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must certify that neither the person nor entity, nor any of its parents, subsidiaries, or affiliates, is identified on the New Jersey Department of the Treasury's Chapter 25 List as a person or entity engaged in investment activities in Iran. The Chapter 25 list is found on the Division's website at <https://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Vendors/Bidders must review this list prior to completing the below certification. If the Director of the Division of Purchase and Property finds a person or entity to be in violation of the law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

CHECK THE APPROPRIATE BOX

I certify, pursuant to N.J.S.A. 52:32-57, et seq. (P.L. 2012, c.25 and P.L. 2021, c.4), that neither the Vendor/Bidder listed above nor any of its parents, subsidiaries, or affiliates is listed on the New Jersey Department of the Treasury's Chapter 25 List of entities determined to be engaged in prohibited activities in Iran.

OR

I am unable to certify as above because the Vendor/Bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the New Jersey Department of the Treasury's Chapter 25 List. I will provide a detailed, accurate and precise description of the activities of the Vendor/Bidder, or one of its parents, subsidiaries or affiliates, has engaged in regarding investment activities in Iran by completing the information requested below.

Entity Engaged in Investment Activities
Relationship to Vendor/ Bidder
Description of Activities

Duration of Engagement
Anticipated Cessation Date

**Attach Additional Sheets If Necessary.*

CERTIFICATION

I, the undersigned, certify that I am authorized to execute this certification on behalf of the Vendor, that the foregoing information and any attachments hereto, to the best of my knowledge are true and complete. I acknowledge that the State of New Jersey is relying on the information contained herein, and that the Vendor is under a continuing obligation from the date of this certification through the completion of any contract(s) with the State to notify the State 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. If I do so, I may be subject to criminal prosecution under the law, and it will constitute a material breach of my contract(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Signature

Date

Print Name and Title

Chapter 27

PROFESSIONAL SERVICES CONTRACTS

ARTICLE I Award of Professional Services Contracts

- § 27-1. Purpose and intent.
- § 27-2. Process for award of professional services contracts.
- § 27-3. Review of RFPs/RFQs by Departmental Review Committee.
- § 27-4. Emergency exceptions.

ARTICLE II Political Contributions by Professional Business Entities; Transfer of Contributions

- § 27-5. Statement of Township policy.
- § 27-6. Definitions.
- § 27-7. Prohibition on awarding public contracts to certain contributors.

- § 27-8. Contributions made prior to effective date.
- § 27-9. Acknowledgement statement by Township of Evesham municipal candidates or municipal officeholders.
- § 27-10. Contribution statement by professional business entity.
- § 27-11. Return of excess contributions.
- § 27-12. No wheeling.
- § 27-13. Violations and penalties.
- § 27-13.1. Filing with Secretary of State.

ARTICLE III Contract Award Exemptions

- § 27-14. Professional contracts under \$17,500.
- § 27-15. Contracting powers in declared emergencies.

[**HISTORY:** Adopted by the Township Council of the Township of Evesham as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Joint bidding and purchasing — See Ch. 13.

ARTICLE I Award of Professional Services Contracts [Adopted 6-21-2005 by Ord. No. 8-6-2005]

§ 27-1. Purpose and intent.

It is the purpose of this article that, notwithstanding that professional services contracts and certain other contracts for goods and services are exempt from the competitive bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Township Council deems it appropriate, and consistent with the provisions of recently enacted New Jersey legislation, now codified at N.J.S.A. 19:44A-20.1 et seq., to henceforth award such contracts through a competitive, quality-based, fair and open process.

§ 27-2. Process for award of professional services contracts.

The Township of Evesham, or any agency or instrumentality thereof, shall not enter into a contract, including a professional services contract, or such other contract which is exempt from public bidding requirements, having an anticipated value in excess of \$10,000 as determined by the municipality, agency or instrumentality, with a business entity, except a contract that is awarded pursuant to a fair and open process if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under N.J.S.A. 19:44A-1 et seq., to any municipal committee of a political party in that municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded or to any candidate committee of any person serving in an elected public office of that municipality when the contract is awarded. The fair and open process shall be quality-based and shall be as follows:

- A. Professional services may be awarded by virtue of a publicly advertised request for qualifications ("RFQ") and/or request for proposals ("RFP") which will be issued as one document for those appointments which are made on an annual basis, such as, but not limited to, the positions of Township Attorney, Township Engineer, Township Planner, Planning Board Attorney, Planning Board Engineer, and such similar statutory and/or ordinance public positions.
- B. For said positions, no contract shall be awarded, unless and until the positions are:
- (1) Publicly advertised in newspapers in sufficient time to give notice in advance of the solicitation for the contracts;
 - (2) Awarded under a process that provides for public solicitation of proposals and qualifications;
 - (3) Awarded and disclosed under criteria established in writing by the Township of Evesham prior to the solicitation of proposals or qualifications; and
 - (4) Publicly announced when awarded; and as to those RFQs and RFPs which prove to be unsuccessful, the Municipal Clerk shall retain a copy of same on file for a period of not less than 60 days.
- C. For contracts which arise on an occasional basis, such as appraisals needed for the acquisition of farmland and/or open space, as well as title searches, surveying, and similar work associated with same; and comparable assignments, such planning services needed for Master Plan updates, appraisals, special counsel, special project engineer contracts, etc., professional services contracts may be awarded without following the foregoing provisions, so long as:
- (1) The anticipated value does not exceed the threshold of \$17,500 set forth above; and **[Amended 3-18-2014 by Ord. No. 4-3-2014¹]**
 - (2) The Township Manager makes every effort to solicit at least two proposals for said work.

1. Editor's Note: This ordinance also stated that the threshold value was amended in accordance with N.J.S.A. 19:44A-1 et seq., the Campaign Contributions and Expenditures Reporting Act (CCERA).

§ 27-3. Review of RFPs/RFQs by Departmental Review Committee.

A Departmental Review Committee shall be established by the Township Manager, consisting of not less than two persons, to prepare, process and evaluate any RFQ and/or RFP issued pursuant to the professional services contracting procedures set forth above. Each Departmental Review Committee must prepare, prior to a request for proposals, a written cost estimate in order to allow for proper evaluation of the fee aspect of proposals. Moreover, said Committee shall evaluate the respective qualifications and/or proposals, taking into consideration the designated qualifications and/or performance criteria, experience, reputation of vendor, quoted fee and other relevant factors in making a recommendation of award to the Township Manager and Township Council; and the Township Manager may, in his/her sole discretion, conduct negotiations with qualified vendors after receipt of proposals, in order to achieve the best possible contract terms and conditions for the Township and its taxpayers. No Contract shall be awarded, however, unless same is authorized by resolution duly adopted in public session by the Township Council.

§ 27-4. Emergency exceptions.

Notwithstanding the foregoing, the Township Council recognizes that the New Jersey Legislature has provided for the occurrence of certain emergencies, and further recognizes that, therefore, the procedure outlined above might not be capable of being achieved in the event of an emergency or similar time constraints. Thus, should a situation arise, and time does not permit resort to this procedure, and the immediate performance of services is necessary, then an award for same may be made in accordance with the provisions of the Local Public Contracts Law relating to emergency contracts, and such rules and regulations as may be promulgated, from time to time, by the Township Council with regard to same. No such emergency contracts, however, may be awarded without submission to the Township Clerk of a certification establishing a basis for the deviation from the procedures outlined herein.

ARTICLE II

**Political Contributions by Professional Business Entities; Transfer of Contributions
[Adopted 12-21-2010 by Ord. No. 32-12-2010²]**

§ 27-5. Statement of Township policy.

The Township of Evesham reaffirms the policy of the Township to set maximum dollar amounts that professional business entities may contribute politically, beyond which they become ineligible to receive a public professional service contract from the Township of Evesham, as well as the Township's policy to prohibit professional business entities which are performing or being paid under existing contracts with the Township from making political contributions in amounts that exceed the Township's limits on political contributions by professionals. The Township also hereby establishes a policy prohibiting the transfer or

² **Editor's Note: This ordinance also superseded former Art. 11, Political Contributions by Entities Seeking Public Services Contracts, adopted 9-11-2007 by Ord. No. 20-9-2007, and provided that it be enforced in addition to the "Fair and Open" provisions in Ch. 27.**

"wheeling" of political contributions by professionals to candidates or municipal political committees who are not affiliated with the Township of Evesham.

§ 27-6. Definitions.

For purposes of this article, the terms used herein shall be given the broadest possible meaning in order to effectuate the policy objectives stated and adopted. Certain specific terms used shall have the following meanings:

CONTRIBUTING — The act of giving money or providing in-kind contributions to aid a municipal political candidate or any of the political committees or political entities otherwise referenced in this article.

CONTRIBUTING POLITICALLY — Shall have the same meaning as "contributing."

CONTRIBUTIONS — Shall be given the same meaning and use generally utilized by the Election Law Enforcement Commission of the State of New Jersey under the statutes and regulations governing that agency. The term shall include but not be limited to payments or donations of money and in-kind contributions.

PAC or PACS — The terms "PAC" or "PACs" are abbreviations for "political action committee" or "political action committees," respectively. The terms refer to organizations that regularly engage in, or whose primary purpose is, the support of municipal elections and/or municipal parties in excess of the thresholds specified in this article. The foregoing shall be limited to organizations and entities which support or oppose Evesham Township candidates for Mayor or Township Council, or which engage in political activities in support or opposition to candidates for Evesham Township Mayor or Evesham Township Council.

POLITICAL CONTRIBUTIONS — Has the same definition as "contributions," hereinabove.

PROFESSIONAL BUSINESS ENTITIES — A "professional business entity" seeking a public contract means individuals and firms engaged in the rendering of legal services, engineering services, survey work, architectural services, planning services, design services, financial consulting and other consulting work, auditing, accounting, appraisal services, insurance services and banking. If a professional business entity is an individual, the definition includes the individual and the individual's spouse, if any, and any child living at home. "Professional business entities" also include firms, corporations, professional corporations, partnerships, business organizations, and/or business associations who provide professional services, where those professional services are exempt from public bidding for public contracts pursuant to the Local Public Contracts Law.³ As it relates to corporations, business trusts, partnerships, and subsidiaries directly controlled by a business entity, the definition of a business entity includes all principals who own 10% or more of the equity in the corporation or business trust, and includes all partners and officers in the aggregate employed by the entity and by any subsidiaries directly controlled by the business entity.

3. Editor's Note: See N.J.S.A. 40A:11-1 et seq.

§ 27-7. Prohibition on awarding public contracts to certain contributors.

The following prohibitions are imposed upon those individuals or entities seeking professional, banking or insurance contracts with the Township of Evesham:

- A. Notwithstanding the provisions of any other law to the contrary, Evesham Township, its purchasing agents, boards, commissions or committees or agencies or those of its independent authorities, as the case may be, shall not enter into a professional services contract having an anticipated value in excess of \$17,500, as determined in advance and certified in writing by the municipality, agency or instrumentality, with a business entity, except a contract that is awarded pursuant to a fair and open process, if, during the preceding one-year period, that business entity has made a contribution to any campaign committee of any Township of Evesham candidate or candidates or holder of public office having the ultimate responsibility for awarding of the contract or to any Evesham political party committee or to any municipal political action committee as defined in § 27-6 in excess of the threshold specified in Subsection D. **[Amended 3-18-2014 by Ord. No. 4-3-2014]**
- B. No professional business entity that has entered into a contract having an anticipated value in excess of \$17,500 with Evesham Township, its purchasing agents, boards, commissions or committees or agencies or those of its independent authorities, as the case may be, except a contract that is awarded pursuant to a fair and open process, shall make a contribution to any campaign committee of any Township of Evesham candidate or candidates or holder of public office having the ultimate responsibility for awarding of the contract, or to any Evesham political party committee or to any municipal political action committee as defined in § 27-6 in excess of the threshold specified in Subsection D during the term of that contract. **[Amended 3-18-2014 by Ord. No. 4-3-2014]**
- C. For purposes of this article, a "professional business entity" 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 business entity 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 as well as any subsidiaries directly controlled by the business entity.
- D. Any "professional business entity" under this section may contribute a maximum of \$2,600 per election for any purpose to each candidate for Mayor and Council. Said entity may also contribute \$7,200 annually to each Evesham Township political party committee and to any political action committees, as defined in this chapter, without violating Subsections A and B of this section. The figures identified herein shall mirror the contribution limits established by Title 19 of the Revised Statutes as may be amended from time to time by the state. When and if the state adjusts contribution limit figures, Evesham limits shall automatically adjust to remain consistent and legally compliant. **[Amended 3-18-2014 by Ord. No. 4-3-2014]**
- 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 of the Township of Evesham, if the contract requires approval or appropriation from the Council.

§ 27-8. Contributions made prior to effective date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or Council, or municipal party committee or PAC referenced in this article 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 was made by the professional business entity prior to the effective date of this section.

§ 27-9. Acknowledgement statement by Township of Evesham municipal candidates or municipal officeholders.

All Township of Evesham municipal candidates or municipal officeholders shall sign an acknowledgement statement at the time of submission of candidacy petitions to the Township of Evesham Clerk that they have received a copy of the Township of Evesham's Ordinance for Public Contracting ("Pay-to-Play") Reform.

§ 27-10. Contribution statement by professional business entity.

- A. Prior to awarding any contract or agreement to procure services, including banking or insurance coverage services, with any professional business entity, the Township or any of its purchasing agents or agencies or boards, commissions or committees, as the case may be, shall receive a certification from the professional business entity made that the bidder or offer or has not made a contribution in violation of § 27-5 of this article;
- B. The professional business entity shall have a continuing duty to report any violations of this article 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.

§ 27-11. Return of excess contributions.

A professional business entity or Township candidate or officeholder or municipal or county party committee or PAC referenced in this article may cure a violation of § 27-5 of this article; if, within 30 days after the general election, the professional business entity notifies the Township Council in writing and seeks and receives reimbursement of a contribution from the Township candidate or municipal political party or PAC referenced in this article.

§ 27-12. No wheeling.

A candidate for Mayor or Council shall not make a contribution to any other candidate committee or municipal party committee not affiliated with the Township of Evesham; nor shall any such candidate accept a contribution from any other candidate committee or municipal party committee not affiliated with the Township of Evesham.

§ 27-13. Violations and penalties.

- A. It shall be a breach of the terms of the Evesham Township professional service agreement for a business entity to:
- (1) Make or solicit a contribution in violation of this article;
 - (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 on 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 Evesham Township;
 - (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 article;
 - (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 article; or
 - (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 article.
- B. Furthermore, any professional business entity who knowingly and willfully violates Subsection A(2) to (8) shall be disqualified from eligibility for future Evesham Township contracts for a period of five calendar years from the date of the violation.

§ 27-13.1. Filing with Secretary of State.

This article shall be filed by the Township Clerk with the Secretary of State in compliance with N.J. S .A. 40A:11-51(c).

ARTICLE III

Contract Award Exemptions

[Adopted 10-9-2007 by Ord. No. 23-10-2007]

§ 27-14. Professional contracts under \$17,500. [Amended 3-18-2014 by Ord. No. 4-3-2014]

- A. The Township of Evesham does hereby ratify and clarify that any contract having a price or consideration at or under the threshold of \$17,500 shall continue to be exempt from the fair and open award provisions of Evesham Code Chapter 27.
- B. Notwithstanding any provisions of Ordinance No. 20-9-2007 or Chapter 27 of the Code of the Township of Evesham to the contrary, upon request of the Township Manager and

his or her filing of a certification of reasonable investigation as required below, a contract having a price or consideration at or under the threshold of \$17,500 may be awarded by the Township Council to any professional business entity if such professional business entity has not otherwise received an aggregate or cumulative amount of contracts from the Township of Evesham in the calendar year of the award exceeding \$17,500. The Township Manager of the Township of Evesham shall recommend such an award to the Township Council only after investigating the availability of professional business entities to do the work which are or would be in compliance with the "pay to play" restrictions contained in Ordinance No. 20-9-2007 and only upon determining that compliance with the "pay to play" restrictions would increase the cost or interfere with the delivery of quality services. The Township Manager shall certify his or her findings to the Township Council in a written document filed with the Township Clerk. Such document shall be available for public inspection and copying.

§ 27-15. Contracting powers in declared emergencies.

The provisions of Evesham Code § 27-4, which allow for the exemption from fair and open contract award procedures in the case of a declared emergency, shall apply with equal force to the "pay to play" restrictions contained in Ordinance No. 20-9-2007.⁴ In the case of a lawfully declared emergency, the Township may award contracts in the same fashion and to the same extent provided in Code § 27-4 notwithstanding the provisions of Ordinance No. 20-9-2007.

⁴. Editor's Note: See Ch. 27, Art. II.