



BOROUGH OF BELMAR
Request for Proposal
For Professional Service Designation

Notice is hereby given that, in accordance with N.J.S.A. 19:44-20.5, et seq, through a fair and open process, the Borough of Belmar, County of Monmouth, State of New Jersey, is requesting sealed proposals/submissions for the following: Licensed Caterers for Taylor Pavilion

Date of Receipt of Proposal: July 2, 2019 at 11:00 a.m. prevailing time.

Proposal/Submission packages are available at:

Borough Clerk's Office, 601 Main Street, Belmar, NJ 07719, NJ during normal business hours, or by calling 732-681-3700, or fax request to 732-681-3434 or at www.belmar.com.

Proposal/Submissions will be publicly opened and read by the Business Administrator or designated representative, at the Borough of Belmar Municipal Building, 601 Main Street, Belmar, NJ, on the date and time noted above.

Businesses unable to be present for the opening of proposals may mail proposal package to the attention of the Borough Clerk at the above address.

Professional service designators/vendors are required to comply with the requirements of N.J.S.A. 10:5-31 et seq, and N.J.A.C. 17:27 et seq., PL 2004, c.19, and Belmar Pay to Play Ordinance.

The successful professional/business will be required to provide, prior to award of the designation, their Affirmative Action documentation, New Jersey Business Registration (Form NJ BUS REG). Successful professional will also be required to comply with all terms imposed by NJ Elections Laws subject to campaign funding limits, and with the Borough of Belmar's Pay to Play Ordinance.

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PART 1 – REQUEST FOR PROPOSAL (RFP)

SECTION 1.0 – INTRODUCTION, OVERVIEW & INSTRUCTIONS

1.1 Introduction / Background

Through this Request for Proposal (RFP), the Borough of Belmar hereby invites businesses who meet the qualifications and specifications set forth herein to submit proposals for the purpose of making application to be an approved vendor of catering at the 5th Street Pavilion (a.k.a. Taylor Pavilion) owned by the Borough of Belmar.

1.2 Scope

Borough of Belmar will permit any vendor who meets the standards and criteria established herein to be on a list of approved caterers for the referenced venue at the 5th Street Pavilion (a.k.a. Taylor Pavilion). The general objectives of this solicitation are the following:

- Openly and competitively recognize approved vendors to provide catering and event management services
- ensure there is a fair and unbiased process at every step of the procurement process
- ensure that taxpayers assets are used wisely

The specific objectives of the solicitation are the following:

- Maximize financial benefit for the Borough of Belmar.
- Sustain a positive public image for the Borough of Belmar.
- Ensure continued community engagement with the Borough of Belmar.
- Maintain Borough of Belmar's ability to facilitate tourism.

1.3 Overview of Solicitation (RFP) Document

The solicitation is composed of the following 2 parts:

PART 1: REQUEST FOR PROPOSAL

Section 1.0: INTRODUCTION/OVERVIEW: Specifies the information regarding the requirements of the solicitation process.

Section 2.0: SCOPE OF WORK: Sets forth a description of the required service.

Section 3.0: PROPOSAL EVALUATION, SELECTION & AWARD PROCESS: Includes information on how proposals will be evaluated, selected and awarded.

PART 2: PROPOSAL RESPONSE (Proposer's Response to RFP Requirements)

Section 4.0: PROPOSER/COMPANY INFORMATION (FORMS): Proposer will fill out the requisite forms that will be utilized in determining whether the Proposer is a responsible proposer that has the capacity and capability to deliver and provide products and services as set forth herein.

Section 5.0: RESPONSE TO REQUIREMENTS/STATEMENT OF WORK (SOW): Designation will outline and describe how they propose to deliver and provide catering & event services within to Borough of Belmar.

Section 6.0: TERMS AND CONDITIONS: Terms and conditions will be incorporated into the Designation. Any exceptions to terms and conditions need to be stated. Terms and Conditions can be found in the attachment. Note exceptions.

1.4 Contact with Borough of Belmar Personnel

In order to create a more competitive and unbiased designation award process, the Borough of Belmar has designated a single point of contact for the duration of this solicitation. From the issue date of this proposal, until a Successful Proposer is selected, all requests for clarification or additional information regarding this RFP, or contact with Borough of Belmar personnel concerning this RFP or the evaluation process must be solely to Borough's Municipal Clerk.

If it is discovered that a Proposer contacted and received information regarding this Solicitation from any unauthorized person employed or under designation by the Borough of Belmar, the Borough's Mayor and/or Counsel persons, in its sole discretion, may disqualify the Proposer from further consideration. Only those communications made by the Exclusive Contact in writing will be binding with respect to this RFP.

If it is later discovered that a violation in regard to this section has occurred, the Borough of Belmar may reject any proposal or terminate any designation awarded pursuant to this RFP. For the purpose of clarity, no contact regarding this solicitation with other Borough of Belmar employees is permitted.

1.5 Borough of Belmar Rights & Responsibilities

Borough of Belmar has the right to amend this RFP by one or more written addenda. Borough of Belmar is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda thereto.

Should any such addenda require additional information not previously requested, failure to address the requirements of such addenda may result in the Proposal not being considered, as determined in the sole discretion of Borough of Belmar. Borough of Belmar is not responsible for and shall not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf, other than the Exclusive Contact, and/or stated contact for the solicitation.

Clarifications, modifications, or amendments may be made to the RFP at any time prior to the Proposal Deadline at the discretion of the Borough of Belmar. It is the Proposer's responsibility to periodically check the source of the RFP until the posted Proposal Deadline to obtain any issued addenda, however Borough of Belmar will make reasonable efforts to inform all Proposers of any clarifications, modifications, or amendments.

1.6 Minimum Mandatory Requirements

Interested and qualified Proposers that can demonstrate their ability to successfully provide catering and event management services requested under this RFP are invited to submit proposal(s), provided they meet the outlined minimum requirements in Section 3.7 and responded to in Section 4.1.

1.7 Disqualification of Respondents

Any one or more of the following causes may be considered sufficient for the disqualification of a Proposer and the rejection of the Proposal:

- a. Evidence of collusion among Proposers
- b. Lack of competency as revealed by either financial, experience, or equipment statements
- c. Lack of responsibility as shown by past work
- d. Uncompleted work under other designations which, in the judgment of the Borough of Belmar, might hinder or prevent the performance of additional responsibilities if awarded

1.8 Freedom of Information Act (FOIA)

Proposal responses, resultant designation(s) and all information submitted to Borough of Belmar by Proposers and Designationors is subject to the Freedom of Information Act (FOIA).

1.9 Disclosure of Contents

All information provided in the proposal shall be held in confidence and shall not be revealed or discussed with competitors, until after award of the designation except as provided by law or court decision. All material submitted with the proposal becomes the property of the Borough of Belmar. Proposers must make no other distribution of their proposals other than authorized by this RFP. A Proposer who shares cost information contained in its proposal with other Borough of Belmar personnel or competing Proposer personnel shall be subject to disqualification.

1.10 Term of Approval

The term of being designated an “approved vendor of catering” shall be for a period of **twelve (12) months** from the date of the designation and extensions may be granted at the sole discretion of the Borough but, **may not be extended for more than twenty-four (24) months.**

1.11 Final Agreement Award Determination

The Borough of Belmar reserves the right to withdraw the RFP, to recognize one Proposer, to any combination of Proposers, by item, group of items, or total proposal. The Borough of Belmar may waive informalities if it is in the Borough of Belmar’s interest. The Proposer to whom the award is made will be notified as soon as reasonably possible. Tentative acceptance of the proposal, intent to recommend award of a designation and actual award of the designation will be provided by written notice sent to the Proposer at the address designated in the proposal. If, for any reason, a designation is not executed with the selected Proposer within 14 days after notice of recommended award, then the Borough of Belmar may recommend the next most responsive and responsible Proposer. Acceptance of the Proposer’s proposal does not constitute approval.

Failure to accept the terms and conditions of the Borough of Belmar’s terms may deem the Proposer non-responsive.

1.12 Conflict of Interest

No Borough of Belmar employee or agent whose position in Borough of Belmar enables him/her to influence the selection of a Vendor/Caterer for this RFP, or any competing RFP, nor any spouse of economic dependent of such employees, shall be employed in any capacity by a Proposer or have any other direct or indirect financial interest in the selection of a Vendor/Caterer.

1.13 Gratuities

It is prohibited for any Borough of Belmar officer, employee or agent to accept a gratuity for themselves or for a relative.

A Proposer shall not offer or give either directly or through an intermediary, consideration, in any form, to a Borough of Belmar officer, employee or agent for the purpose of securing favorable treatment with respect to the award of the Designation.

Proposals will be reviewed and the designation of being on the “approved” list will be based upon the following criteria:

- Experience and reputation of the Vendor in all phases of restaurant facilities and catering experience.
- Qualifications of the individuals who will perform the required services, and their respective participation.
- Experience of the individuals as it relates to the particular expertise required to perform the designation.
- Ability of the firm to perform the services on a timely basis, including staffing and familiarity with the subject matter.
- Experience with or specific knowledge of the Borough of Belmar as it pertains to this designation.
- References
- Cost consideration, including, but not limited to fee schedule to be charged.
- Experience with municipalities/facilities of similar demographic and size.
- Successful candidates chosen from respondents will be shown in any and all social media developed and administered by the Borough as an “approved vendor/caterer” issued. Additionally, the successful candidate will be permitted to include individual social media/advertising mediums to state they are “approved vendor/caterer” for said venue for the duration of the time as established above herein.
- The Mayor and Council of the Borough of Belmar must approve annual designations and this designation does not guarantee that any work will actually be awarded to any, or to all, of the successful candidates.

Project Designations for specific/general right to be available to provide catering services will be determined independently by the individual(s) renting the venue for an event.

Additional Pay to Play Requirements

political contributions with the New Jersey Election Enforcement Commission, pursuant to N.J.S.A. 19:4420.13 (P.L. 2005, c, 271, s.3), if the Proposer receives designations in excess of \$50,000 in the aggregate from public entities in a calendar year. It is the Proposer responsibility to determine if filing is necessary. The report is due March 30 of each year for reporting for prior year designations. Additional information on this requirement is available from ELEC at 888-313-3532 or at www.elec.state.nj.us. Proposers are advised of the responsibility to file an annual disclosure statement on

Proposers must also comply with the Borough of Belmar’s Pay to Play and Campaign Contribution requirements as attached.

SECTION 2.0 – SCOPE OF WORK

2.1 Contracted Scope of Services/Statement of Work:

The purpose of this RFP process is to invite caterers/vendors to submit their proposal to:

1. Serve as an “approved” professional caterer and event vendor for 5th Street Pavilion (a.k.a. Taylor Pavilion) owned by the Borough of Belmar.
2. Manage catering and program events in coordination with the event holder.
3. Verify approved rental of the event space with the Borough of Belmar and arrange food and beverage service with the event holder.
4. Manage on-site production and clean-up for events. Proposers are required to provide for independent cleaning of the facility by a qualified service. The Borough of Belmar’s Director of Public Works shall have the sole discretion to determine whether the facility properly cleaned. Violation is subject to disqualification and/or loss of security deposit.
5. Coordinate appointments and visits to tour facility and confirm scheduling of events on the calendar.
6. Perform any and all tasks required to establish and maintain a successful catering and event management business at the facility.

2.2 Specifications:

1. The Proposer or its key personnel must have five (5) years’ experience in the business of catering and food services.
2. Be sure to identify and list any required licensures, certifications, etc., and any prior experience, number of contracts/clients, volume of business, etc.).
 - a. The Proposer must list any prior experience, including name of the event, purpose of the event, and contact information to validate and confirm the Proposer’s prior experience.
3. Each Proposer shall provide the Borough of Belmar a Security Deposit of \$2,000 per event. This deposit may be rolled over to future events provided is it not subject to forfeiture by definition.
4. Insurance shall be obtained by the Proposers naming the Borough of Belmar as the insured party for either a singular event or, on an annual basis in the minimum amount of one million (\$1,000,000.00) dollars [If alcohol will be served, the minimum amount shall be two million (\$2,000,000.00) dollars]. The policy of insurance shall name the Borough of Belmar as an additional insured and a hold harmless and indemnification agreement in favor of the Borough shall also be required on a form provided to the Borough.
5. Proposers who enter into a license and indemnification agreement to conduct catered activities or operations at the “Taylor Pavilion” may seek permission to serve alcoholic beverages in connection with catered functions, subject to the following:
 - a. The rules and regulations of the New Jersey Alcoholic Beverage Commission (the "NJABC"); and
 - b. The rules and regulations of the Borough of Belmar; and
 - c. In addition to the above requirements, the application for use of the facility shall be made by an entity that is duly authorized, as defined by the NJABC and the Borough of Belmar, and is able to perform the tasks and requirements necessary to conduct the proposed event.
 - d. If applicable, written approval by the Municipal Police Chief and the Municipal Clerk, in accordance with NJABC requirements.
 - e. Accompanied by a written narrative that shall describe the details of the event, including but not limited to procedures for event setup, parking, crowd control, any temporary fencing, event security, ambulance/emergency response, procedures to ensure that minors

and intoxicated persons are not served alcohol, trash control, post-event clean up and restoration of any damage to County property.

- f. Each Proposer agrees to provide the Borough of Belmar all appropriate “facility fees”, in full within ten (10) days of either scheduling the event or execution of an “event” contract, whichever comes first. The Proposer acknowledges that payment of said “fee(s)” shall be non-refundable.

Additionally, Proposers shall be subject to the following:

- a. Proposers shall provide the Borough of Belmar the name, address and contact information for the person(s) who shall be seeking to have the event.
- b. Proposers shall be solely responsible for conducting the event in accordance with all applicable laws and ordinances in a manner that shall not cause damage to persons or property.
- c. Proposers shall be responsible for preventing service of alcohol to any person who is visibly intoxicated or under the influence of alcohol or other intoxicants or stimulants.
- d. Proposers shall take measures necessary to ensure that noise emanating from its catered events, including but not limited to music and other amusements, announcements and activities shall comply with the following Ordinances of the Borough of Belmar

SECTION 3.0 – BIDDING, EVALUATION, SELECTION & AWARD PROCESS

This section contains key project dates and activities as well as instructions to proposers on how to prepare and submit their proposal:

RFP TIMETABLE

ACTION	DATE	TIME
RFP Issue Date		
Proposer's Questions Due		
Responses to Proposer's Questions		
Proposals Due		
Notice to Approval		
Approved Vendor Start Date		

3.1 Borough Of Belmar Responsibility

Borough of Belmar is not responsible for representations made by any of its officers or employees prior to the execution of the Contract unless such understanding or representation is included in the Contract.

3.2 Truth and Accuracy of Representations

The Mayor and Counsel of the Borough of Belmar or their designee may reject any proposal that is evaluated and determined to include false, misleading, incomplete, or deceptively unresponsive statements.

3.3 Proposer Q&A

Proposers may submit written questions regarding this RFP to the individual identified below. All questions must be received by 4:00 PM EST on June 25, 2019. All questions, without identifying the submitting company, will be compiled with the appropriate answers and issued as an addendum to the RFP.

When submitting questions please specify the RFP section and paragraph number, and quote the language that prompted the question. This will ensure that the issue can be quickly found in the RFP. Borough of Belmar reserves the right to group similar questions when providing answers. Questions should be addressed to the Purchasing Contact identified on the cover page of this RFP.

Borough of Belmar may modify the RFP at any time during the bid process. All changes to the RFP will be posted as an addendum under the bid number and each posting officially revises the RFP.

Each proposal that is timely received will be evaluated on its merit and completeness of all requested information. In preparing proposals, Proposers are advised to rely only upon the contents of this RFP and accompanying documents and any written clarifications or addenda issued by the Borough of Belmar. If a Proposer finds a discrepancy, error, or omission in the proposal package, or requires any written addendum thereto, the Proposer is requested to notify the Exclusive Contact noted on the cover of this RFP, so that written clarification may be sent to all prospective Proposers. The Borough of Belmar is not responsible for oral representations. All questions must be submitted in writing to the Exclusive Contact before the Question Deadline indicated on the front of this document. All answers will be issued in the form of a written addendum.

3.4 Preparation of the Proposal

Each Proposer must submit a complete proposal in response to this RFP. Submission of a proposal establishes a conclusive presumption that the Proposer understands the Borough of Belmar's intent in this RFP.

3.5 Bid Submission Deadline

The Deadline for receipt of Proposals is: July 2, 2019 at 11:00 AM EST (the "Due Date").

3.6 Proposal Submission Requirements

To be considered, the proposal must be prepared in the manner and detail specified in this proposal.

- 1) Proposals and all attachments will be submitted via mailed to:

Ms. April Claudio, Borough Clerk
Borough of Belmar
601 Main Street
Belmar, New Jersey 07719

The opening of a proposal does not constitute the Borough of Belmar acceptance of the Proposer as a responsive and responsible Proposer.

- 2) Borough of Belmar has no obligation to consider any proposal that is not received by the deadline.
- 3) Proposals will not be considered if not delivered in the requested manner.
- 4) All costs incurred in the preparation and presentations of the proposal, as well as any resulting approval, are the Proposer's sole responsibility; no such costs will be reimbursed to any Proposer. All documentation submitted with the proposal will become the property of the Borough of Belmar.

3.7 Adherence to Mandatory Minimum Requirements (Pass/Fail)

1. The Proposer or its key personnel must have five (5) years' experience in the business of catering and food services.
 - a. The Proposer shall list all Owners and Principals including, names, addresses and contact information.
 - b. The Proposer shall list all Key personnel including, names, addresses and contact information.
2. The Proposer shall identify and provide a copy of all required licensures, certifications.
3. The Proposer shall provide a representative list of prior catering experience within the last twelve (12) months, the number of catering contracts/clients within the last twelve (12) months, the size/volume of business of the catering event, and the type of catering event (e.g.: wedding, graduation, anniversary, etc.)
4. The size of the venue where the catering event took place.
5. Each Proposer shall acknowledge that the requirement to provide the Borough of Belmar a Security Deposit of \$2,000 per event and that this deposit may be rolled over to future events provided is it not subject to forfeiture by definition.
6. Each Proposer shall provide proof of their ability to obtain insurance naming the Borough of Belmar as the insured party for either a singular event or, on an annual basis in the minimum amount of one million (\$1,000,000.00) dollars and if alcohol will be served, the minimum amount shall be two million (\$2,000,000.00) dollars.
7. The Proposer shall acknowledge and warrant that the policy of said insurance shall name the Borough of Belmar as an additional insured.

8. The Proposer shall acknowledge and warrant that they will execute a document prepared and provided by the Borough of Belmar that establishes hold harmless and indemnification terms in favor of the Borough.
9. The Proposers shall provide any and all documents that would show and establish that have the ability to meet the requirements under the rules and regulations of the New Jersey Alcoholic Beverage Commission (the "NJABC") and the Borough of Belmar to serve alcoholic beverages in connection with catered functions.
 - a. If the Proposer does not intend to provide alcoholic beverages as part of their catering service, the Proposer shall acknowledge and warrant this intent as part of their proposal.

Borough of Belmar shall review Part 2, Section 4 – Proposer’s Information, Minimum Qualifications and Forms and determine if the Proposer meets the minimum requirements as outlined in this RFP. Failure of the Proposer to meet with the minimum mandatory requirements may eliminate its proposal from any further consideration.

3.8 Evaluation Process

All Bids will be reviewed for compliance with the mandatory requirements stated within this RFP. Bids not in compliance with the minimum mandatory requirements will be eliminated from further consideration.

- a. Borough of Belmar may contact the Proposer for clarification of the Proposer's Bid
- b. Borough of Belmar may require the Proposer to submit additional and/or supporting materials.
- c. Responsive bids will be evaluated on the factors identified in this RFP. The Proposer(s) whose bid.

3.9 Evaluations

Borough of Belmar reserves the right to judge the contents of the proposals submitted pursuant to this RFP and to review, evaluate and select the successful proposal(s). All requests for proposals shall be reviewed and evaluated by the Borough of Belmar. All proposals will be evaluated based on Section 3.10 below. Borough of Belmar may also, at its option, invite proposers being evaluated to make a verbal presentation or conduct site visits.

3.10 Evaluation Criteria

3.10.1 Experience & Qualifications

Samples of Evaluation Criteria and related submittal requirements are provided below:

- (a) Did the Proposer meet or exceed the minimum qualifications outlined in this document.
- (b) Did the Proposer meet the experience requirements outlined in this document.
- (c) Review any references provided by the Proposer to verify the Proposer’s proficiency as a vendor in support of the terms and requirements under this RFP. If offered, the Proposer would be required to include the name, address, contact name and contact information of the reference.
- (d) Did the experience and qualifications of key personnel as provided by the Proposer meet or exceed the minimum qualifications outlined in this document.

3.10.2 Borough Of Belmar Best Interests

The Borough of Belmar reserves the right to accept or reject any proposal in whole or in part as may be considered by the Borough of Belmar in its best interests. The Borough of Belmar also reserves the right to waive informalities or irregularities, which the Borough of Belmar considers in its reasonable judgment to be minor or irrelevant to the content or validity of the proposal.

3.10.3 *Clarifications*

Borough of Belmar may issue a clarification request, in writing, to one or all Proposers. A clarification request does not allow a Proposer to change its proposal.

3.10.4 *Deficiency Report*

Borough of Belmar may issue a Deficiency Report and Clarification Request (DR/CR) to each Proposer determined to be in the competitive range. The DR/CR response may include any changes to the Proposer's proposal to address the listed deficiencies or clarifications, including alterations to the Proposer's proposal to address correction of the deficiencies.

3.10.5 *Oral Presentation*

Borough of Belmar may require an oral presentation of the Proposer's proposal. This presentation provides an opportunity for the Proposer to clarify its proposal.

3.10.6 *Site Visit*

Borough of Belmar may conduct a site visit to tour and inspect the Proposer's facilities.

3.10.7 *Option to Reject Proposals*

The Borough of Belmar reserves the right to reject any or all proposals, or to accept or reject any proposal in part, and to waive any minor informality or irregularity in proposals received, if it is determined by the Borough of Belmar that the best interest of the Borough of Belmar will be served by doing so.

PART 2 – PROPOSAL (SUPPLIER’S/CONTRACTOR’S RESPONSE)
SECTION 4.0 - PROPOSER’S INFORMATION,
MINIMUM QUALIFICATIONS & CERTIFICATIONS

FORMS CHECKLIST

	4.1 Minimum Qualification
	4.2 Business Information Questionnaire
	4.3 Proposal Form

BOROUGH OF BELMAR

	Yes	No
PROPOSAL AS REQUIRED IN RFP	<input type="checkbox"/>	<input type="checkbox"/>
STOCKHOLDER DISCLOSURE CERTIFICATION	<input type="checkbox"/>	<input type="checkbox"/>
NON-COLLUSION AFFIDAVIT	<input type="checkbox"/>	<input type="checkbox"/>
AFFIRMATIVE ACTION QUESTIONNAIRE	<input type="checkbox"/>	<input type="checkbox"/>
MANDATORY AFFIRMATIVE ACTION LANGUAGE	<input type="checkbox"/>	<input type="checkbox"/>
AMERICANS WITH DISABILITIES ACT OF 1990	<input type="checkbox"/>	<input type="checkbox"/>
N. J. BUSINESS REGISTRATION REQUIREMENTS	<input type="checkbox"/>	<input type="checkbox"/>
BELMAR PAY TO PLAY ORDINANCE	<input type="checkbox"/>	<input type="checkbox"/>
BELMAR VENDOR CERTIFICATION FORM	<input type="checkbox"/>	<input type="checkbox"/>
C.271 POLITICAL CONTRIBUTION DISCLOSURE FORM	<input type="checkbox"/>	<input type="checkbox"/>

STOCKHOLDER DISCLOSURE CERTIFICATION

Name of Business:

Y N

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business organization:

Partnership Corporation Sole Proprietorship Limited Partnership Limited Liability Corporation Limited Liability Partnership Subchapter S Corporation

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name:	Name:
Home Address:	Home Address:
Name:	Name:
Home Address:	Home Address:
Name:	Name:

Home Address:	Home Address:
Subscribed and sworn before me this ____ day of _____, 2 ____.	_____ (Affiant)
(Notary Public)	_____ (Print name & title of affiant)
My Commission expires:	(Corporate Seal)

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF _____

I, _____ residing in _____
(name of municipality)

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

I, am _____ of _____,
(title or position) (name of business)
the bidder making this Proposal for the bid proposal entitled _____
(title of bid proposal)

and that I executed the said proposal with full authority to do so, that said bidder 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 above named project; and that all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that the Borough of Belmar relies upon the truth of the statements contained in said Proposal, and in the statements contained in this affidavit, in awarding the designation for the said project.

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

Subscribed and sworn to
before me this day
_____, 2019

(Signature of affiant)

(Signature of notary)

My Commission expires:

REQUIRED EVIDENCE

AFFIRMATIVE ACTION REGULATION

P.L. 1975, C. 127 (N.J.A.C. 17:27)

If awarded a designation, all procurement and service designations will be required to comply with the requirements of P.L. 1975, c. 127, (N.J.A.C. 17:27). Within seven (7) days after receipt of the notification of intent to award the designation or receipt of the designation, whichever is sooner, the designator should present one of the following to the Purchasing Agent.

1. A photocopy of a valid letter from the U.S. Department of Labor that the designator has an existing federally-approved or sanctioned Affirmative Action Plan (good for one year from the date of the letter).

OR

2. A photocopy of approved Certificate of Employee Information Report from the State of New Jersey.

OR

3. An Affirmative Action Employee Information Report (Form AA302).

OR

4. All successful construction designations must submit, within three days (3) of the signing of the designation, an Initial Project Manning Report (AA201) for any designation award that meets or exceeds the Public Agency bidding threshold (available upon request).

NO FIRM MAY BE ISSUED A DESIGNATION UNLESS IT COMPLIES WITH THE AFFIRMATIVE ACTION REGULATIONS OF P.L. 1975, C. 127.

The following questions must be answered by all bidders:

1. Do you have a federally-approved or sanctioned Affirmative Action Program?
 Yes No If yes, please submit copy of such approval.
2. Do you have a Certificate of Employee Information Report Approval?
 Yes No If yes, please submit copy of such certificate.

The undersigned designator certifies that he is aware of the commitment to comply with the requirements of P.L. 1975, c. 127, and agrees to furnish the required documentation pursuant to law.

COMPANY: _____

SIGNATURE: _____

TITLE: _____

NOTE: A DESIGNATOR'S BID MUST BE REJECTED AS NON-RESPONSIVE IF A DESIGNATOR FAILS TO COMPLY WITH REQUIREMENTS OF P.L.1975, C. 127, WITHIN THE REQUIRED TIME FRAME.

EXHIBIT A
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17:27
(REVISED 10/08)

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE DESIGNATIONS

During the performance of this designation, the designator agrees as follows:

The designator or subdesignator, 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 designator will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, 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 equal employment opportunity shall include, but not be 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 designator 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 designator or subdesignator, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the designator, 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 designator or subdesignator, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other designation or understanding, a notice, to be provided by the agency designating officer advising the labor union or workers' representative of the designator's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The designator or subdesignator, 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 designator or subdesignator agrees to make good faith efforts to afford equal employment opportunities to minority and women workers consistent with Good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2, or Good faith efforts to meet targeted county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The designator or subdesignator 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 designator or subdesignator agrees to revise any of its testing procedures, if necessary, to assure that all personnel 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 targeted employment goals, the designator or subdesignator agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without 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 designator shall submit to the public agency, after notification of award but prior to execution of a goods and services designation, one of the following three documents:

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

The designator and its subdesignators shall furnish such reports or other documents to the Division of Public Designations Equal Employment Opportunity Compliance as may be requested by the office 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 Public Designations Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

I hereby, certify I have read the above statement.

Date

Signature

AMERICANS WITH DISABILITIES ACT OF 1990

Equal Opportunity for Individuals with Disability

The DESIGNATIONOR and the OWNER do hereby agree that the provisions of Title II of the American With Disabilities Act of 1990 (the "ACT") (42 U.S.C. S12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of this designation. In providing any aid, benefit, or service on behalf of the OWNER pursuant to this designation, the DESIGNATIONOR agrees that the performance shall be in strict compliance with the Act. In the event that the Designationor, its agents, servants, employees, or subdesignationors violate or are alleged to have violated the Act during the performance of this designation, the DESIGNATIONOR shall defend the OWNER in any action or administrative proceeding commenced pursuant to this Act. The Designationor shall indemnify, protect, and save harmless the OWNER, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The DESIGNATIONOR shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the OWNER grievance procedure, the DESIGNATIONOR agrees to abide by any decision of the OWNER that is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the OWNER or if the OWNER incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the DESIGNATIONOR shall satisfy and discharge the same at its own expense.

The OWNER shall, as soon as practicable after a claim has been made against it, give written notice thereof to the DESIGNATIONOR along with full and complete particulars of the claim. If any action or administrative proceedings is brought against the OWNER or any of its agents, servants, and employees, the OWNER shall expeditiously forward or have forwarded to the DESIGNATIONOR every demand, complaint, notice, summons, pleading, or other process received by the OWNER or its representatives.

It is expressly agreed and understood that any approval by the OWNER of the services provided by the DESIGNATIONOR pursuant to this designation will not relieve the DESIGNATIONOR of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the OWNER pursuant to this paragraph.

It is further agreed and understood that the OWNER assumes no obligation to indemnify or save harmless the DESIGNATIONOR, its agents, servants, employees and subdesignationors for any claim which may arise out of their performance of this Agreement. Furthermore, the DESIGNATIONOR expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the DESIGNATIONOR'S obligations assumed in this Agreement, nor shall they be construed to relieve the DESIGNATIONOR from any liability, nor preclude the OWNER from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

I hereby, certify I have read the above statement.

Date

Signature

DESIGNATION LANGUAGE FOR BUSINESS REGISTRATION CERTIFICATE COMPLIANCE

For Procurement (Goods and Services) Designations (Including, Purchase Orders)

N.J.S.A. 52:32-44 imposes the following requirements on designationors and all subdesignationors that knowingly provide goods or perform services for a designationor fulfilling this designation:

- 1) the designationor shall provide written notice to its subdesignationors to submit proof of business registration to the designationor;
- 2) prior to receipt of final payment from the designating agency, a designationor must submit to the designating agency an accurate list of all subdesignationors or attest that none was used;
- 3) during the term of this designation, the designationor and its affiliates shall collect and remit, and shall notify all subdesignationors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A designationor, subdesignationor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty or \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a designation with the designating agency. Information of the law and its requirements is available by calling (609)292-9292.

For Construction Designations

N.J.S.A. 52:32-44 imposes the following requirements on designationors and all subdesignationors that knowingly provide goods or perform services for a designationor fulfilling this designation:

- 1) The designationor shall provide written notice to its subdesignationors and suppliers to submit proof of business registration to the designationor;
- 2) Subdesignationors through all tiers of a project must provide written notice to their subdesignationors and suppliers to submit proof of business registration and subdesignationors shall collect proofs of business registration and maintain them on file;
- 3) Prior to receipt of final payment from a designating agency, a designationor must submit to the designating agency an accurate list of all subdesignationors and suppliers or attest that none was used; and,
- 4) During the term of this designation, the designationor and its affiliates shall collect and remit, and shall notify all subdesignationors and their affiliates that they must collect and remit, to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 52:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A designationor, subdesignationor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty or \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a designation with the designating agency. Information of the law and its requirements is available by calling (609)292-9292.

For more information, or to register online, go to <http://www.nj.gov/treasury/revenue/taxreg.htm>

I hereby, certify I have read the above statement.

Date

Signature

A copy of your Business Registration Certificate is required to be submitted. If you do not have one, you can access the following website for information on obtaining one at www.state.nj.us. Click on “Business” tab, then “Business Registration & Records” and follow prompts to register.

C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Business entities (designatorors) receiving designations 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 designation, the designatoror 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 designation or of that county in which that public entity is located or 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 designation. 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 designatoror in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the designatoror’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 designator's submission and is disclosable to the public under the Open Public Records Act.

The designator 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 designations.

* 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."

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

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
			\$

Check here if the information is continued on subsequent page(s)

Vendor's Certification of Eligibility

The following Certification is required of all persons and/or entities that designation with the Borough of Belmar, Monmouth County, New Jersey to comply with the requirements of Borough of Belmar Ordinance 2004-14, as amended by Ordinance 2005-19.

If the Vendor has any question as to this form, the terms used or the operation of, or compliance with the Ordinances, the Vendor should refer to the Ordinances. Should there be any conflict between this form, the terms used or the operation of, or compliance with the Ordinances, the Ordinances in effect shall control.

For the purposes of this Certification the following definitions shall apply:

Other Elected Office Campaign Contribution shall mean 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 maintained by or on behalf of any holder of any Elected Office of the Borough who is a declared candidate for an elected office other than an Elected Office of the Borough; the term directly or indirectly as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

Agreement to Purchase Goods or Services shall mean any agreement whether by designation or purchase order, whether above or below any public bid threshold that may be established from time to time by the State of New Jersey, for the sale of any goods or non-professional services to the Borough, as defined herein, and without regard to whether the said agreement or designation is awarded pursuant to and in accordance with the open public bidding requirements of NJSA 40A:11-5, *et seq.*

Borough shall mean the Borough of Belmar as a municipal entity, and any Elected Official, Municipal Officer Municipal Employee, or any agent, department, board or commission of the Borough of Belmar.

Belmar Campaign Contribution shall mean 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 any Elected Office of the Borough, or to any municipal or party committee or political club or organization within the Borough; the term directly or indirectly as used herein shall further mean and include any campaign contributions made through intermediaries or third parties for the purpose of concealing the source of the contribution(s).

Campaign Contribution shall mean Other Elected Office Campaign Contribution, Belmar Campaign Contribution, County Campaign Contribution and/or Pass-Through Campaign Contribution as defined herein.

County Campaign Contribution shall mean 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 county political organization or county campaign committee or fund within the County of Monmouth; the term directly or indirectly as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

Elected Official shall mean any person who holds a position in the Borough of Belmar which requires being elected by the voters of the Borough of Belmar.

Elected Office, except where described more narrowly in this section, shall mean any governmental position, which requires being elected by the voters, without regard to the whether the Elected Office is within or without the Borough. A “Candidate for Elected Office” shall mean a person who has filed, or on whose behalf has been filed, a petition with the Clerk of any County, for the purpose of appearing on the ballot, whether in a primary, general, municipal or school board election, for an Elected Office.

Entity shall mean any corporation, professional corporation, joint venture, general or limited partnership, trust or limited liability company, or subsidiary or parent of any of the foregoing.

Municipal Official or Municipal Employee shall mean any other person who works for or holds a position with the Borough of Belmar other than an Elected Official.

Pass-Through Campaign Contributions shall mean 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 any Elected Office of the Borough, or to any municipal or party committee or political club or organization within the Borough, that is received from the election fund or other campaign account of any elected official or candidate for any office other than mayor or council of the Borough, or from any local, county or state party committee or campaign committee or political organization, or any political action committee or fund of any kind, whether within or without Belmar or Monmouth County.

Vendor shall mean any individual person or Entity who either, negotiates, bids or otherwise seeks to enter into an Agreement to Purchase Goods or Services as defined herein. In the case of any Vendor who is an individual person, the term shall also include the individual’s spouse, if any, and any child living at home, as well as any Entity by whom any of them are employed or in which any of them have an ownership interest in excess of Five Percent (5%). In the case of any Vendor who is an Entity, the term shall also include each and every principal of the said Entity who has an ownership interest in excess of Five Percent (5%) in the Entity, or any parent or subsidiary of the Entity, and their spouses, if any, and any child living at home.

Vendor’s Certification of Eligibility shall mean a certification in lieu of affidavit pursuant to which each Vendor and Professional Vendor shall list each and every Belmar Campaign Contribution and each County Campaign Contribution the Vendor or Professional Vendor, as the case may be, has made during the preceding three-years.

Vendor’s Campaign Contribution List shall mean the list of each and every Belmar Campaign Contribution and each County Campaign Contribution the Vendor has made during the preceding three-years submitted in conjunction with and as a part of the Vendor’s Certification of Eligibility.

VENDOR'S CERTIFICATION

I _____, as authorized representative of _____ a *Vendor* of the Borough of Belmar hereby certify pursuant to the requirements of Borough of Belmar Ordinance 2004-14, as amended by Ordinance 2005-19 that _____ (*Vendor*) has not made or solicited *Campaign Contributions*, as defined herein, in excess of the amounts allowed per Section 9-6(A), excluding contributions made prior to the effective date of Ordinance 2004-14 of January 1, 2004 as allowed per Section 419.8 (formerly 4-26) and 9-7, as detailed on the attached *Vendor's Campaign Contribution List* which is deemed incorporated hereto, or that any violation of Ordinance 2004-14, as amended by Ordinance 2005-19 has been cured by the *Vendor*, as of the date of this Certification, by complying with Section 9.9 in that the *Vendor* within 30 days after the general election during the calendar year in which the excess *Campaign Contribution* was made notified the Chief Financial Officer in writing that it has received a reimbursement of all contributions in excess of that allowed in Section 9-6(a) and attached to that writing a true and correct copy of the check received in reimbursement. Further, notwithstanding anything contained herein to the contrary, the *Vendor* pursuant to Section 4-19.3 (formerly 4.21) shall have a continuing duty to report immediately to the Borough's Chief Financial Officer any *Campaign Contributions* made in violation of Ordinance 2004-14, as amended by Ordinance 2005-19 that occur during any time that an Agreement for the Sale of Goods or Services is in effect, or that occur during the pendency of any negotiations or bidding by the *Vendor* to enter in such an Agreement.

I _____, as authorized representative of _____ *Vendor* hereby certify in lieu of an affidavit, under penalty of perjury, that the foregoing Certification is true, accurate and complete.

Signature: _____

Date _____

VENDOR'S CAMPAIGN CONTRIBUTION LIST

I _____, as authorized representative of _____
(*Vendor*) of the Borough of Belmar hereby certify pursuant to the requirements of Borough of Belmar Ordinance 2004-14, as amended by Ordinance 2005-19 that the following is a true, accurate and complete *Vendor's Campaign Contribution List* of each and every Belmar Campaign Contribution and each County Campaign Contribution the Vendor has made during the preceding three-years which is being submitted concurrently with and is deemed incorporated into the *Vendor's Certification Of Eligibility* dated _____.

[INSERT LIST HERE]

I _____, as authorized representative of _____ (*Vendor*) hereby certify in lieu of an affidavit, under penalty of perjury, that the foregoing Certification is true, accurate and complete.

Signature: _____

Date: _____

**SECTIONS OF THE BOROUGH OF BELMAR'S ORDINANCES PERTAINING TO PAY TO
PLAY AND CAMPAIGN CONTRIBUTIONS:**

BELMAR - CHAPTER IX CONFLICTS OF INTEREST

9-1 DEFINITIONS.

Any term not defined herein shall have the meaning ascribed to it in Sections 4-10, 4-19 et seq. and 9-6 et seq. of the Borough Ordinances, as they may be amended and supplemented from time-to-time.

Terms not defined shall have their usual and customary meanings, unless a different meaning clearly appears from the context. The following terms whenever used or referred to in this section shall have the following respective meanings, unless a different meaning clearly appears from the context:

Alcoholic beverage licensee, Belmar shall mean any individual or entity who owns or is negotiating for the purchase of, or has an application pending for a license or permit for the sale of alcoholic beverages within the Borough of Belmar, whether or not the license is active, and any person or entity that is the owner of any property on which the license is currently active, or any property to which an application is pending with the Borough for the place-to-place transfer of the license. In the case of any alcoholic beverage licensee who is an individual, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them has an ownership interest in excess of five (5%) percent. In the case of any alcoholic beverage licensee that is an entity, the term shall also include each and every principal who owns any interest in the said entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home; and any employee of the entity;

Alcoholic beverage licensee, other shall mean any individual or entity who owns or is negotiating for the purchase of, or has an application pending for a license or permit for the sale of alcoholic beverages in a municipality other than the Borough and at premises located within one-quarter (1/4) mile of any border of the Borough of Belmar, or in the case of a municipality that borders the Borough of Belmar across the Shark River or any inlet or channel thereof, at premises located within one-quarter (1/4) mile of the Shark River or its inlet or channels, and any person or entity that is the owner of any property on which the said license is currently active. In the case of any alcoholic beverage licensee who is an individual, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them has an ownership interest in excess of five (5%) percent. In the case of any alcoholic beverage licensee that is an entity, the term shall also include each and every principal who owns any interest in the said entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home; and any employee of the entity.

Belmar campaign contribution shall mean 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 any elected office of the Borough, or to any municipal or party committee or political club or organization within the Borough; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

Borough shall mean the Borough of Belmar as a municipal entity, and any elected official, municipal officer, municipal employee, or any agent, department, board or commission of the Borough of Belmar.

Campaign contribution shall mean Belmar campaign contribution, County campaign contribution and/or pass-through campaign contribution as defined herein.

County campaign contribution shall mean 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 County political organization or County campaign committee or fund within the County of Monmouth; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

Development, major shall mean any individual or entity who makes any application to the Borough's Planning Board for any subdivision of a property or properties into more than two (2) lots, or for major site plan approval; or any application to the Borough's Zoning Board of Adjustment for any use variance approval; or who owns or is the designation purchaser of any property that is the subject of any such application, or who owns, or is the designation purchaser of, a property located within a designated redevelopment area that has been specifically designated by the Belmar Planning Board as being in need of redevelopment; or who engages directly or indirectly in negotiations with the Borough relating to, or has in fact entered into, a master or presumptive redeveloper's agreement pursuant to any redevelopment plan or the Municipal Land Use Law, or who owns or is the designation purchaser of, any property that is the subject of, or would directly be affected by a proposed change in zoning or of the master plan, and in the case of a major developer who is an individual, his or her spouse and any child living at home, and any entities of which any of them are principals holding a five (5%) percent or greater interest; and in the case of a developer that is an entity, the term shall also include each and every principal of the said entity who has an ownership interest in excess of five (5%) percent in the entity, or in any parent or subsidiary of the entity, and their spouses, if any, and any child living at home.

Development matter shall mean any application for development pending before the Borough Planning Board or Zoning Board of Adjustment of the Borough, any application or proposal to change the Borough's zoning regulations or master plan, or any proposed development pursuant to a redevelopment plan, or any master or presumptive redeveloper's agreement. With respect to a major developer, the term relating to a development matter shall mean that the major developer is the applicant, owner or designation purchaser of property that is the subject of an application for development pending before the Borough Planning Board or Zoning Board of Adjustment of the Borough, or of any application or proposal to change the Borough's zoning regulations or master plan, or is the presumptive or master redeveloper, owner or designation purchaser of property located within a designated redevelopment area that has been specifically designated by the Belmar Planning Board as being in need of redevelopment. With respect to a minor Borough of Belmar office shall mean a person who has filed, or on whose behalf has been filed, a petition with the Clerk of any County, for the purpose of appearing on the ballot, whether in a primary, general, municipal or school board election, for an elected office.

Elected official shall mean any person who holds a position in the Borough of Belmar, which requires being elected by the voters of the Borough of Belmar.

Entity shall mean any corporation, professional corporation, joint venture, general or limited partnership, trust or limited liability company, or subsidiary or parent of any of the foregoing.

Ineligible official shall mean any elected official or department head of the Borough of Belmar who has a "conflict of interest" pursuant to Chapter IX of the Revised Development Regulations of the Borough of Belmar.

Municipal official or municipal employee shall mean any person, other than an elected official, who works for or holds a position with the Borough of Belmar.

Other elected office campaign contribution shall mean 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 maintained by or on behalf of any holder of any elected office of the Borough who is a declared candidate for an elected office other than an elected office of the Borough; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

Pass-through campaign contributions shall mean 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 any elected office of the Borough, or to any municipal or party committee or political club or organization within the Borough, that is received from the election fund or other campaign account of any elected official or candidate for any office other than Mayor or Council of the Borough, or from any County political organization, County campaign committee or political action committee or fund within or without the County of Monmouth.

Redevelopment plan shall mean any plan, or amendment thereto, adopted by ordinance of the Mayor and Council pursuant to and in accordance with Redevelopment and Housing Law, Chapter 79, P.L. 1992, including without limitation the Seaport Redevelopment Plan adopted pursuant to Borough Ord. 200318 and/or any successor or amendment thereto.

Vendor shall mean any individual person or entity who either negotiates, bids or otherwise seeks to enter into an agreement to purchase goods or services as defined herein. In the case of any vendor who is an individual person, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them have an ownership interest in excess of five (5%) percent. In the case of any vendor who is an entity, the term shall also include each and every principal of the said entity who has an ownership interest in excess of five (5%) percent in the entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home. (Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III; Ord. No. 2007-14 § I)

9-2 DISCLOSURE OF PERSONAL INTEREST.

Any elected official, municipal official or municipal employee who has or may have any interest, direct or indirect, in any measure, indebtedness or action and who participates in discussion with or gives an official opinion to the Borough Council or to any municipal agency, board or authority with respect thereto shall disclose on the records of the Borough Council or agency, board or authority the nature and extent of such interest. Such personal interests shall be described in writing and filed with the Borough Clerk, and shall be subject to inspection pursuant to the Open Public Records Law. (Ord. No. 1991-1 § 9-1; Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-3 PROHIBITED ACTIVITIES.

- a. No municipal official or municipal employee shall engage in political activity during his or her hours of duty with respect to any candidate.
- b. No elected official, municipal official or municipal employee shall use or permit others to use the facilities of the Borough for the preparation, storage or distribution of campaign material.
- c. Nothing in this chapter shall be construed to prevent an elected official from campaigning, or engaging in political activity, at any time.
- d. No elected official, municipal official or municipal employee shall use or permit No elected official, municipal official or municipal employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Borough, nor shall he/she use such information to advance the financial or other private interest of himself/herself or others. The Borough Council may, as it deems appropriate, determine by resolution what information shall be deemed confidential for the purpose of this subsection. (Ord. No. 1991-1 § 92; Ord. No. 1998-21 § 1; Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-4 INELIGIBILITY OF ELECTED OFFICIALS TO PARTICIPATE IN OR VOTE ON SPECIFIC MATTERS INVOLVING CERTAIN CAMPAIGN CONTRIBUTORS.

- a. Any elected official who has received any Belmar campaign contribution or other elected office campaign contribution from any minor or major developer in excess of the limits set forth in Section 96b,1(a) or (b) hereof shall be ineligible to participate in discussions or negotiations relating to, or cast any vote with respect to any development matter relating to that minor or major developer.
- b. Any elected official who has received any Belmar campaign contribution or other elected office campaign contribution from any development professional in excess of the limits set forth in Section 96b,1(a) hereof, shall be ineligible to participate in discussions or negotiations relating to, or cast any vote with respect to any development matter with others to use the facilities of the Borough for the conduct of private business. With the approval of the Mayor and Council, nonprofit public service and civic organizations shall be allowed to use such Borough facilities as may be deemed appropriate and as may be permitted pursuant to law.
- c. respect to which the development professional has performed any professional service.
- d. Any elected official who has received any Belmar campaign contribution or other elected office campaign contribution from any Belmar alcoholic beverage licensee or any other alcoholic beverage licensee in excess of the limits set forth in Section 9-6b,2. hereof, shall be ineligible to participate in, be kept informed of, or cast any vote with respect to, any application by the alcoholic beverage control licensee for an alcoholic beverage control license or permit relating to the said alcoholic beverage control licensee, or with respect to any hearings or proceedings relating to same, or with respect to any investigations relating to same, or with respect to any local or State enforcement proceedings seeking to impose fines, suspensions or revocations relating to the same; or with respect to any matters relating to the regulation of permit parking on any street in the Borough, ferry or water tram service upon the Shark River, or taxi or shuttle service anywhere within the Borough. (Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)
- e.

9-5 GENERAL INELIGIBILITY OF ANY ELECTED OFFICIAL WHO RECEIVES ANY PASS THROUGH CAMPAIGN CONTRIBUTIONS TO PARTICIPATE OR VOTE ON CERTAIN CATEGORIES OF MATTERS.

a. Any elected official who has received either as Belmar campaign contributions or other elected office campaign contributions during any of the three (3) preceding calendar years, including during years preceding his or her election, any pass-through campaign contributions shall be ineligible to participate in, or cast a vote on any of the following categories of matters for the remainder of that calendar year and for a period of three (3) additional calendar years following that calendar year:

1. The award of any agreement to purchase goods or services, and shall be further barred from voting on the grant of change orders with respect to publicly bid designations or agreements; with respect to each and every vote as to which the Mayor or member of the Council is ineligible by virtue of this provision, the reasons for the abstention shall be set forth on the record, recorded in the minutes, and noted on the resolution awarding the designation or agreement for the sale of goods and services;
2. Any development matter, and any appointment to the Planning Board or Board of Adjustment of the Borough of Belmar;
3. Any matter relating to or involving any Belmar alcoholic beverage licensee or any other alcoholic beverage licensee. (Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-6 BELMAR AND COUNTY CAMPAIGN CONTRIBUTION LIMITS AFFECTING VENDOR ELIGIBILITY AND CONFLICTS OF INTEREST.

a. Campaign contribution limits affecting the eligibility of vendors and professional vendors, pursuant to Section 4-19, to enter into or be paid pursuant to agreements to purchase goods or services and agreements to purchase professional services are as follows:

1. The maximum combined amount of Belmar campaign contributions and other elected office campaign contributions that may be made by a vendor during any calendar year shall not exceed three hundred (\$300.00) dollars and this limit shall include all contributions made to each candidate for elected office from the same party or campaign ticket and without regard to whether the said candidates maintain a joint campaign account.
2. The maximum combined amount of Belmar campaign contributions and other elected office campaign contributions that may be made by a professional vendor during any calendar year shall not exceed zero (\$0.) dollars, and this limit shall include all contributions made to each candidate for elected office from the same party or campaign ticket and without regard to whether the said candidates maintain a joint campaign account.
3. The maximum amount of county campaign contributions that may be made by a vendor or professional vendor shall not exceed two thousand five hundred (\$2,500.00) dollars during any calendar year to each party.

b. Campaign contribution limits affecting the eligibility of elected officials to participate in or vote on specific matters involving development matters, Belmar alcoholic beverage licensees or other alcoholic beverage licensees, are as follows:

1. Any candidate for elected office who receives:

- (a) A Belmar campaign contribution in excess of three hundred (\$300.00) dollars from any minor developer or development professional during a single calendar year shall have a conflict of interest, and shall be ineligible to vote or participate in matters relating to the said minor developer or development professional as provided in Section 9-4a. or b, respectively;
 - (b) Any Belmar campaign contribution from any major developer shall have a conflict of interest, and shall be ineligible to vote or participate in matters relating to the said major developer as provided in 94a. or b, respectively.
2. Any candidate for elected office who receives:
- (a) Any Belmar campaign contribution or other elected office campaign contribution from any Belmar alcoholic beverage licensee during a single calendar year, shall have a conflict of interest, and shall be ineligible to vote or otherwise participate in matters involving the said Belmar alcoholic beverage licensee as provided in Section 9-4c;
 - (b) Any Belmar campaign contribution or other elected office contribution from any other alcoholic beverage licensee shall have a conflict of interest, and shall be ineligible to vote or otherwise participate in matters involving the said other alcoholic beverage licensee as provided in Section 9-4c.
 - (c) The limits set forth in Section 9-6b. shall apply jointly to all candidates for any elected office for the same party or on the same ticket, unless the said candidates maintain entirely separate election fund accounts, and run entirely uncoordinated campaigns. (Ord. No. 2004-14 § 2; Ord. No. 2005-19 §III)

9-7 CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATES.

Notwithstanding any term contained herein to the contrary, no campaign contributions made prior to January 1, 2004, and no other elected office campaign contributions made prior to January 1, 2005, shall be considered in calculating the campaign contribution limits set forth in Section 9-5 or 9-6 hereof. No elected official shall be deemed to have a conflict of interest based upon campaign contributions received during 2004, provided that the said campaign contributions did not exceed the limits set forth in Ordinance No. 2004-14. (Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-8 REPORTING OBLIGATIONS OF CANDIDATES FOR ELECTED OFFICE.

- a. Each and every candidate for any elected office within the Borough of Belmar, and each elected official who is a candidate for elected office other than for the office of Mayor or Council of the Borough, shall file with the Borough Clerk a true and correct copy of each and every campaign finance report they are required to file with the New Jersey Election Law Enforcement Commission, and shall do so not later than the date that the said report is due to be filed with the New Jersey Election Law Enforcement Commission.
- b. In connection with each campaign report submitted to the Borough Clerk pursuant to paragraph a. above, each candidate for any elected office shall attach a supplemental

certification, on a form to be provided by the Borough Clerk, pursuant to which the candidate shall certify the following:

1. That he or she has personally inspected the records of contributions made to his or her campaign accounts or election funds and the records of contributions, if any, made to the local political club or committee to which he or she is a member;
 2. That the information contained on the attached report is, after due inquiry, accurate in all material respects;
 3. Identifying (1) each and every individual who either individually or in combination with his or her spouse, or any child living in the same household, or any corporation, professional corporation, limited liability company or partnership of which any of them are principals owning an interest of five (5%) percent or greater, from whom he or she has received a Belmar campaign contribution and/or another elected office campaign contribution cumulatively in excess of three hundred (\$300.00) dollars during that calendar year; (2) each and every Belmar alcoholic beverage licensee and other alcoholic beverage licensee who has contributed any amount; (3) each and every professional who has contributed in any amount; and (4) each and every pass-through campaign contribution, regardless of amount, he or she has received from any political action committee, County or municipal committee or political club, or from any election fund relating to any public question or from any election fund of any candidate for an office other than any elected office of the Borough of Belmar.
- c. Each and every campaign committee for a candidate for any elected office within the Borough of Belmar shall, in addition to the requirements of Section 9-8a., file with the Borough Clerk a true and correct copy of each and every campaign contribution received which is less than the amount required to be reported to the ELEC Commission and shall be filed no later than the date that the said report is due to be filed with the New Jersey Election Law Enforcement Commission. Said information is to be filed with the Borough Clerk on the same reporting form used to report campaign contributions to the ELEC Commission. Each filing shall also be accompanied with the supplemental certification required by Section 9-8b. (Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III; Ord. No. 2007-14 § I)

9-9 CURING VIOLATIONS; RETURN OF EXCESS CONTRIBUTIONS.

Any vendor, major developer, minor developer, development professional, Belmar alcoholic beverage licensee and other alcoholic beverage licensee may cure a campaign contribution made in excess of the limits set forth in Sections 9-5 or 9-6 of this Chapter, if, within thirty (30) days after the receipt of the campaign contribution, the said vendor, major developer, minor developer, development professional, Belmar alcoholic beverage licensee and other alcoholic beverage licensee, or the candidate or elected official who originally received the said contribution, notifies the Chief Financial Officer in writing that it has received a reimbursement of a contribution in excess of that allowed in Sections 9-5 or 9-6, and by attaching a true and correct copy of the check received in reimbursement. (Ord. No. 2004-14 § 2; Ord. No. 2005-19 § III)

9-10 PENALTY, INELIGIBILITY OF ANY ELECTED OFFICIAL.

Any campaign committee for a candidate for any elected office within the Borough of Belmar which has not filed the required reports and supplemental certifications required by Section 9-8 shall be fined two hundred fifty (\$250.00) dollars, and the candidate shall be subject to the restrictions in Section 9-5 if the candidate is elected to office until Section 9-8 is complied with and the penalty is paid. (Ord. No. 2007-14 § I)

4-19 RESTRICTIONS ON CAMPAIGN CONTRIBUTIONS BY VENDORS TO THE BOROUGH.

4-19.1 Prohibition on Awarding Designations for the Sale of Goods or Services to Certain Campaign Contributors.

Any other provision of law to the contrary notwithstanding, the Borough shall not enter into:

- a. Any agreement to purchase goods or services, or make any payment pursuant to any such agreement with any vendor that has solicited or made any campaign contribution in excess of the limits specified in Section 96a,1. of the Revised General Ordinances of the Borough of Belmar, during the three (3) year period immediately preceding the date of the designation or agreement, or during the term of any such agreement to purchase goods or services;
- b. Any agreement to purchase professional services, or make any payment pursuant to any such agreement with any professional vendor that has solicited or made any campaign contribution in excess of the limits specified in Section 9-6a,2. of the Revised General Ordinances of the Borough of Belmar, during the three (3) year period immediately preceding the date of the designation or agreement, or during the term of any such agreement to purchase professional services.(Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)
- c. No vendor shall knowingly solicit on behalf of, or make any campaign contribution in excess of the limits specified in Section 9-6a,1. herein during the pendency of any such negotiations for, or during the term of, any agreement to purchase goods or services.
- d. No professional vendor shall knowingly solicit on behalf of, or make any campaign contribution in excess of the limits specified in Section 9-6a,2. herein during the pendency of any such negotiations for, or during the term of, any agreement to purchase professional services. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.2 Limits on Political Campaign Contributions by Vendors to the Borough.

4-19.3 Vendors to Certify Their Compliance with the Borough's Restrictions on Campaign Contributions; Obligation is Continuing.

- a. Prior to issuing any purchase order or awarding to any vendor an agreement to purchase goods and services, or making any payment pursuant to the same, or granting any change order in connection therewith, the Borough's Chief Financial Officer shall require that the vendor first have submitted a vendor's certification of eligibility, in language to be approved by the Borough Attorney, in which the vendor shall verify that it has not knowingly made any campaign contribution in excess of the limits set forth in Section 9-6a,1. of the Revised General Ordinances of the Borough of Belmar, and that it has not otherwise violated subsection 4-19.2a. hereof.
- b. Prior to issuing any purchase order or awarding to any professional vendor an agreement to purchase professional services, or making any payment pursuant to the same, or

granting any change order in connection therewith, the Borough's Chief Financial Officer shall require that the professional vendor first have submitted a vendor's certification of eligibility, in language to be approved by the Borough Attorney, in which the professional vendor shall verify that it has not knowingly made any campaign contribution in excess of the limits set forth in Section 9-6a,2. of the Revised General Ordinances of the Borough of Belmar, and that it has not otherwise violated subsection 4-19.2b. hereof.

- c. The certifications required by paragraphs a. and b. above shall be in addition to any other certification that may be required by any other provision of law. The Chief Financial Officer shall keep the original of each such certification of vendor eligibility on file. Notwithstanding anything contained herein to the contrary, the vendor and professional vendor shall have a continuing duty to report immediately to the Borough's Chief Financial Officer any campaign contributions made in violation of this section that occur during any time that an agreement to purchase goods or services or agreement to purchase professional services is in effect, or that occur during the pendency of any negotiations or bidding by the vendor or professional vendor to enter into such an agreement. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.4 Vendor Who Refuses to Certify Its Eligibility or Knowingly Submits a False Certification of Eligibility Shall Be Declared to be an Ineligible Vendor.

In addition to such other penalties as may be provided by law, any vendor or professional vendor who, after reasonable notice of the consequences thereof, refuses or otherwise fails to provide the certification required herein, or who knowingly files a false vendor's certification of eligibility, shall be designated by the Chief Financial Officer as an ineligible vendor, and shall be promptly included on the ineligible vendor list maintained pursuant to subsection 4-19.7 hereof and shall thereafter be prohibited from entering into any agreement to purchase goods and services or agreement to purchase professional services, as the case may be, with the Borough, and from receiving any payment pursuant to such an agreement, until such time as the Mayor and Council adopt a resolution determining that the vendor is eligible or otherwise should be paid for services rendered or goods sold to the Borough. Any vendor or professional vendor may appeal to the Mayor and Council from a determination by the Chief Financial Officer that it is an ineligible vendor. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.5 Chief Financial Officer to Verify Eligibility of Vendors.

Neither the Borough of Belmar, nor any official thereof, shall:

- a. Enter into any agreement to purchase goods or services, or approve or execute any change order with respect thereto, or make or authorize any payment pursuant thereto, unless and until the Chief Financial Officer has executed a verification of vendor eligibility with respect to that vendor, which verification of vendor eligibility shall be appended to or otherwise incorporated into the said agreement to purchase goods or services, and each purchase order and voucher relating thereto; or
- b. Enter into any agreement to purchase professional services, or approve or execute any change order with respect thereto, or make or authorize any payment pursuant thereto, unless and until the Chief Financial Officer has executed a verification of vendor eligibility with respect to that professional vendor, which verification of vendor eligibility shall be appended to or otherwise incorporated into the said agreement to

purchase professional services, and each purchase order and voucher relating thereto.(Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.6 All Resolutions Awarding Agreements to Purchase Goods or Services or Agreements to Purchase Professional Services, Awarding of Bids, Approving Changes Orders, or Authorizing Payments of Bills Shall Contain a Verification of Vendor Eligibility; Borough Clerk to Publicly Announce Same.

No resolution authorizing the execution of an agreement to purchase goods or services or an agreement to purchase professional services, or awarding of any bid or approving any change order relating thereto, or authorizing payment of any bill pursuant thereto, shall be introduced or adopted by the Mayor and Council unless it contains a verification of vendor eligibility executed by the Chief Financial Officer, or his or her designee. The Borough Clerk shall, prior to the introduction of any such resolution, first read a statement for the record advising the Mayor and Council and the public that Chief Financial Officer of the Borough has certified that the vendor(s) or professional vendors(s) that are the subject of the resolution are eligible vendors within the meaning of this section. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.7 Chief Financial Officer to Maintain a List of Ineligible Vendors.

The Borough's Chief Financial Officer shall prepare and at all times maintain a list of vendors and professional vendors who are, by virtue of the provisions of this section, ineligible to enter into an agreement to purchase goods or services or an agreement to purchase professional services with the Borough. The Chief Financial Officer shall prepare this list based upon information obtained from the campaign reports required to be filed with the Election Law Enforcement Commission by or on behalf of candidates for the office of Mayor and Council, the supplemental campaign certifications to be submitted by the candidates for elected office, pursuant to Section 9-8 and information provided by vendors and professional vendors as required herein. The Chief Financial Officer shall update the list of ineligible vendors within five (5) business days of the receipt of any certifications or information as required in this section, or of any reports or supplemental reports of Belmar campaign contributions, other elected office campaign contributions or pass-through contributions required to be filed pursuant to Section 9-8. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-19.8 Contributions Made Prior to the Effective Dates.

Notwithstanding any term contained herein to the contrary, no vendor or professional vendor shall be required to report campaign contributions made prior to January 1, 2004. For the purpose of determining a vendor's eligibility pursuant to this section, the Chief Financial Officer shall not consider campaign contributions made prior to that date, and shall not consider other elected office campaign contributions made by vendors or professional vendors prior to January 1, 2005. Notwithstanding anything contained herein to the contrary, no vendor or professional vendor shall be determined to be an ineligible vendor provided that the campaign contributions they made during 2004 did not exceed the limits set forth in Ordinance No. 2004-14, and that the contributions they have made in 2005 and thereafter do not exceed the limits set forth in Section 9-6a,1-3. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § II)

4-10 DEFINITIONS.

As used in this Article:

Agreement to purchase goods or services shall mean any agreement whether by designation or purchase order, whether above or below any public bid threshold that may be established from time to time by the State of New Jersey, for the sale of any goods or non-professional services to the Borough, as defined herein, and without regard to whether the said agreement or designation is awarded pursuant to and in accordance with the open public bidding requirements of N.J.S.A., 40A:11-5, et seq.

Agreement to purchase professional services shall mean any agreement or designation for the rendering of professional services to or on behalf of the Borough, as defined herein, and without regard to whether the said agreement or designation is awarded pursuant to and in accordance with the open public bidding requirements of N.J.S.A, 40A:11-5, et seq., or pursuant to a request for proposal (RFP) process.

Borough shall mean the Borough of Belmar as a municipal entity, and any elected official, municipal officer, municipal employee, or any agent, department, board or commission of the Borough of Belmar.

Belmar campaign contribution shall mean 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 any elected office of the Borough, or to any municipal or party committee or political club or organization within the Borough; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

Campaign contribution shall mean other elected office campaign contribution, Belmar campaign contribution, County campaign contribution and/or pass-through campaign contribution as defined herein.

Certification of eligibility of participating officials shall mean a certification in lieu of affidavit pursuant to which the Chief Financial Officer shall identify with respect to each agreement to purchase goods or services entered into by the Borough, and prior to any payment made pursuant thereto, each and every ineligible official with respect thereto, and shall with respect to each such ineligible official specify the reason(s) the ineligible official is precluded from any participation in connection with the agreement to purchase goods or services.

County campaign contribution shall mean 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 County political organization or County campaign committee or fund within the County of Monmouth; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contributions(s).

Elected office except where described more narrowly in this section, shall mean any governmental position, which requires being elected by the voters, without regard to whether the elected office is within or without the Borough. A candidate for elected office shall mean a person who has filed, or on whose behalf has been filed, a petition with the Clerk of any County, for the purpose of appearing on the ballot, whether in a primary, general, municipal or school board election, for an elected office.

Elected official shall mean any person who holds a position in the Borough of Belmar, which requires being elected by the voters of the Borough of Belmar.

Entity shall mean any corporation, professional corporation, joint venture, general or limited partnership, trust or limited liability company, or subsidiary or parent of any of the foregoing.

Ineligible vendor shall mean any vendor or professional vendor who has during the preceding three-year period made campaign contributions in excess of the limits set forth in Section 9-6a,1 or 2 respectively, of the Revised General Ordinances of the Borough of Belmar.

Ineligible vendor list shall mean a list of ineligible vendors maintained by the Chief Financial Officer of the Borough in accordance with the provisions of this Chapter.

Municipal official or *municipal employee* shall mean any other person who works for or holds a position with the Borough of Belmar other than an elected official.

Other elected office campaign contribution shall mean 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 maintained by or on behalf of any holder of any elected office of the Borough who is a declared candidate for an elected office other than an elected office of the Borough; the term "directly or indirectly" as used herein shall further mean and include any campaign contributions made through intermediaries or third-parties for the purpose of concealing the source of the contribution(s).

Pass-through campaign contributions shall mean 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 any elected office of the Borough, or to any municipal or party committee or political club or organization within the Borough, that is received from the election fund or other campaign account of any elected official or candidate for any office other than Mayor or Council of the Borough, or from any local, County or State party committee or campaign committee or political organization, or any political action committee or fund of any kind, whether within or without Belmar or Monmouth County.

Professional vendor shall mean any individual person or entity who enters into an agreement to purchase professional services, as defined herein. In the case of any professional vendor who is an individual person, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them have an ownership interest in excess of five (5%) percent. In the case of any professional vendor who is an entity, the term shall also include each and every principal of the said entity who has an ownership interest in excess of five (5%) percent in the entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home; and any employee of the professional vendor who holds a professional license to provide professional services of the kind to be furnished pursuant to the agreement to provide professional services.

Purchasing shall mean the responsibilities and functions described in the detailed procedure established under this Article.

Purchasing Agent shall mean the Director of Finance or his or her representative in his or her function of administrator of purchasing, or a person designated and authorized by the Borough Administrator, subject to approval of the Borough Council, and shall be referred to in the detailed procedure as the "buyer."

Requester shall mean any department head or any person authorized by a department head to prepare a purchase requisition in accordance with the procedure set forth in this Article and as implemented in the detailed procedure.

Vendor shall mean any individual person or entity who either negotiates, bids, or otherwise seeks to enter into an agreement to purchase goods or services as defined herein. In the case of any vendor who is an individual person, the term shall also include the individual's spouse, if any, and any child living at home, as well as any entity by whom any of them are employed or in which any of them have an ownership interest in excess of five (5%) percent. In the case of any vendor who is an entity, the term shall also include each and every principal of the said entity who has an ownership interest in excess of five (5%) percent in the entity, or any parent or subsidiary of the entity, and their spouses, if any, and any child living at home.

Vendor's certification of eligibility shall mean a certification in lieu of affidavit pursuant to which each vendor and professional vendor shall list each and every Belmar campaign contribution and each County campaign contribution the vendor or professional vendor, as the case may be, has made during the preceding three (3) years.

Verification of vendor eligibility by the Chief Financial Officer shall mean a certification in lieu of affidavit pursuant to which the Chief Financial Officer shall confirm with respect to each agreement to purchase goods or services and each agreement to purchase professional services entered into by the Borough, and prior to any payment made pursuant thereto, that he or she has obtained and reviewed the vendor's or professional vendor's certification of eligibility, and the ineligible vendor list, and has determined that the vendor or professional vendor is not in violation of the campaign contribution restrictions set forth in Section 9-6 herein, and is therefore eligible to enter into, and be paid pursuant to, an agreement to purchase goods or services or an agreement to purchase professional services. (Ord. No. 2004-14 § 1; Ord. No. 2005-19 § I)

I hereby, certify I have read the above statement.

Date

Signature