

**BOROUGH OF NEW PROVIDENCE
ORDINANCE 2004-15**

**AN ORDINANCE AMENDING ORDINANCE 2004-14 REGARDING THE
PRINCIPLES ADHERED TO IN AWARDING MUNICIPAL CONTRACTS IN THE
BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION, STATE OF NEW JERSEY**

BE IT ORDAINED by the Borough Council of the Borough of New Providence, County of Union, and State of New Jersey, as follows:

1. The following subsections of The Code of Ethics of the Borough of New Providence, Chapter 41 of the Code of the Borough of New Providence, as amended by Ordinance 2004-14, are hereby amended as follows:

41-9. Prohibition on Awarding Public Contracts to Certain Contributors

- (a) Any other provision of law to the contrary notwithstanding, the Borough of New Providence or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure professional services, including but not limited to banking services/relationships or insurance coverage services, from any professional business entity, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to a campaign committee of any successful candidate for or holder of the elected municipal office having ultimate responsibility for the award of the contract, or to any party committee of the Borough of New Providence or Union County of which the Mayor or any councilperson is a member, or to any political action committee (PAC) that is organized for the primary purpose of promoting or supporting municipal successful candidates or municipal officeholders in the Borough of New Providence in excess of the thresholds specified in subsection (d) within one calendar year immediately preceding the date of the contract or agreement.
- (b) No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with Borough of New Providence or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other no-bid consultants shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any successful candidate for or holder of the public office in the Borough of New Providence having ultimate responsibility for the award of the contract, or to any party committee in the Borough of New Providence or Union County of which the Mayor or any councilperson is a member, or to any PAC that is organized for the primary purpose of promoting or supporting successful municipal candidates or municipal officeholders in the Borough of New Providence between the time of first communications

between that business entity and the Borough regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

- (c) Any individual meeting the definition of “professional business entity” under this section may annually contribute a maximum of \$400 each for any purpose to any candidate for mayor or council, or \$500 to the party committee in the Borough of New Providence or Union County, or to a PAC referenced in this ordinance, without violating subsection (a) of this section. However, any group of individuals meeting the definition of “professional business entity” under this section, including such principals, partners, and officers of the entity in the aggregate, may not annually contribute for any purpose in excess of \$2,500 to all successful candidates and officeholders with ultimate responsibility for the award of the contract, and all political parties in the Borough of New Providence or Union County of which the Mayor or any councilperson is a member, and PACs referenced in this ordinance combined, without violating subsection (a) of this section.

41-10. Contributions Made Prior to the Effective Date

1. No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any successful municipal candidate for Mayor or Council, or municipal or county party committee or PAC referenced in this ordinance shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.
2. All other provisions and terms in Ordinance 2004-14 remain in full force and effect.
3. This ordinance shall take effect in accordance with law.

INTRODUCED: October 25, 2004
ADOPTED: November 8, 2004

BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY

Allen Morgan, Mayor

Marilyn A. Gorgia
Deputy Borough Clerk