

**AFFIDAVIT OF COMPLIANCE WITH ORDINANCE #2011-05 OF THE BOROUGH OF
AUDUBON PARK REGARDING AWARDING OF PROFESSIONAL CONTRACTS;
LIMITATIONS ON POLITICAL CONTRIBUTIONS BY VENDORS (PAY TO PLAY)**

- A. Although professional services contracts and certain other contracts for goods and services are exempt from the competitive bidding requirements of the Local Public contracts Law, N.J.S.A. 40A:11-1 et seq., the Mayor & Borough Council deem it appropriate, and consistent with the provisions of New Jersey legislation, now codified at N.J.S.A. 19:44-20.1 et seq. to henceforth award such contracts through a competitive, quality-based, fair and open process, unless a specific determination to the contrary is made by the Mayor & Borough Council.
- B. The Borough of Audubon Park or any agency or instrumentality thereof, shall not enter into a contract, including a professional services contract, or such other contract which is exempt from public bidding requirements, having an anticipated value in excess of \$17,500 as determined by the Borough of Audubon Park or agency or instrumentality, with a business entity, except through a contract is awarded pursuant to a fair and open process if, during the preceding one-year period, that business entity has made a contribution that is reportable by the recipient under N.J.S.A. 19:44A-1 et seq., to any municipal committee of a political party if a member of that political party is in office as a member of the Mayor & Borough Council when the contract is awarded or to any public candidate committee of any person serving in an elected public office of the Borough of Audubon Park when the contract is awarded.
- C. For the purposes of this Ordinance, a professional business entity seeking a public contract means an individual including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.
- D. Any individual meeting the definition of a "professional business entity" under this section may annually contribute a maximum of \$300 each for any purpose to any candidate for mayor or governing body, or any elected office holder, or \$300 to the Borough of Audubon Park party, or \$300 to the Camden County party committee, 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 Borough of Audubon Park candidates and elected officeholders with ultimate

responsibility for the award of the contract, and all Borough of Audubon Park or Camden County political parties and PACS referenced in the Ordinance combined, without violating subsection (a) of this section.

- E. It shall be a breach of the terms of the Borough of Audubon Park professional service agreement for a business entity to:
1. Make or solicit a contribution in violation of this ordinance;
 2. Knowingly conceal or misrepresent a contribution given or received;
 3. Make or solicit contributions through intermediaries for the purpose of concealing for misrepresenting the source of the contributions;
 4. Iv make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of the Borough of Audubon Park;
 5. Engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or business entity itself, would subject that entity to the restrictions of this ordinance;
 6. Fund contributions made by third parties, including consultants, attorneys, family members, and employees;
 7. Engage in any exchange of contributions to circumvent the intent of this ordinance;
 8. Directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this ordinance.

The undersigned attest under penalty of perjury they have not made a contribution in violation of Ordinance No. 2011-05 of the Borough of Audubon Park.

Subscribed and sworn before me

this ___ day of _____, 20__.

(Notary Public)

My Commission expires: _____

(Signature)

(Print Name & Title)