

ORDINANCE NO. 2026-__

TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY
AN ORDINANCE REQUIRING POLITICAL CONTRIBUTION DISCLOSURE, ANNUAL
CERTIFICATIONS, A VENDOR EDUCATION SUPPORT CHOICE FORM, AND PUBLIC
RECORDKEEPING FOR TOWNSHIP CONTRACTORS

BE IT ORDAINED by the Township Council of the Township of Berkeley Heights, County
of Union, State of New Jersey, as follows:

SECTION 1. FINDINGS AND PURPOSE.

A. The Township awards contracts and professional service agreements using public funds and has an interest in preserving public confidence, transparency, and minimizing perceived conflicts of interest.

B. The Township recognizes community concern regarding the relationship between vendor political contributions and public contracting decisions.

C. The Township further recognizes a public interest in encouraging voluntary community support for local public education without conditioning eligibility for public contracting on such support.

D. The purpose of this Ordinance is to require political contribution disclosure and related certifications for Township contractors, and to establish a standardized Vendor Education Support Choice Form and recordkeeping process so the Township maintains clear public records reflecting whether vendors voluntarily elect to provide education support.

SECTION 2. DEFINITIONS.

For purposes of this Ordinance:

A. "Covered Vendor" means any person or entity seeking or holding a Township contract, agreement, purchase order, or professional services engagement for goods or services, including subcontractors only where required by bid specifications or applicable law.

B. "Political Contribution" means a reportable contribution as defined under applicable New Jersey election law to any candidate committee, political party committee, political committee, or political action committee.

C. "Disclosure Period" means the prior twelve (12) months measured from the date of bid submission, proposal submission, qualification submission, or contract renewal, as applicable.

D. "Vendor Education Support Choice Form" means the form established under Section 5 requiring a Covered Vendor to indicate whether it elects to make a voluntary Education Support Pledge for the applicable year.

E. "Education Support Pledge" means a voluntary, non-mandatory pledge described in

Section 6.

SECTION 3. POLITICAL CONTRIBUTION DISCLOSURE (MANDATORY).

A. As part of any bid, proposal, qualification package, or renewal submission, each Covered Vendor shall disclose all Political Contributions made during the Disclosure Period in a form prescribed by the Township Attorney and/or Township Clerk.

B. The disclosure shall include, at a minimum: (i) the contributor name, (ii) the recipient committee/campaign, (iii) the date, and (iv) the amount.

SECTION 4. CERTIFICATIONS (MANDATORY).

A. Each Covered Vendor shall submit a sworn certification that:

1. The Political Contribution disclosure submitted pursuant to Section 3 is true, complete, and accurate to the best of the vendor's knowledge; and
2. The vendor is in compliance with applicable Township procurement requirements and applicable State pay-to-play and election laws to the extent they apply to the vendor and the contemplated contract.

B. A knowingly false certification shall be grounds for disqualification, contract termination, and any other remedies available at law.

SECTION 5. VENDOR EDUCATION SUPPORT CHOICE FORM (MANDATORY FORM; VOLUNTARY CHOICE).

A. The Township Clerk, in consultation with the Township Attorney, shall create and maintain a Vendor Education Support Choice Form to be submitted by each Covered Vendor with its bid/proposal/qualification package or renewal submission.

B. The form shall require the vendor to select one of the following options for the then-current calendar year:

1. "I/We elect to make an Education Support Pledge for this calendar year."
2. "I/We decline to make an Education Support Pledge for this calendar year."

C. The form shall clearly state, in plain language, that:

3. The Education Support Pledge is strictly voluntary;
4. Choosing to decline shall not affect eligibility, evaluation, award, renewal, payment, or contract performance; and
5. The Township will maintain records of vendor elections as required by this Ordinance.

SECTION 6. EDUCATION SUPPORT PLEDGE (VOLUNTARY; ONCE PER YEAR).

A. A Covered Vendor may elect, no more than once per calendar year, to make a voluntary Education Support Pledge in an amount equal to five percent (5%) of the Covered Vendor's aggregate Political Contributions during the Disclosure Period, as disclosed under Section 3.

B. The pledge amount, if elected, shall be calculated and stated by the vendor on the

Vendor Education Support Choice Form.

C. The pledge, if elected, shall be payable on or before the later of:

1. Thirty (30) days following contract award/renewal; or
2. March 31 of the then-current calendar year, if the vendor's submission occurs earlier in the year.

D. Recipient. Any pledge payment shall be made only to a recipient and in a manner determined by the Township Attorney to be lawful, which may include Berkeley Heights Public Schools, a lawful education-support entity, or another lawful mechanism supporting BHPS.

E. Nothing in this Ordinance shall be construed to compel speech, compel contributions, or impose any penalty based on political activity.

SECTION 7. TOWNSHIP RECORDKEEPING; VENDOR ELECTION REGISTRY (MANDATORY).

A. The Township Clerk shall maintain an Education Support Election Registry containing, for each Covered Vendor submission:

1. Vendor name;
2. Contract/engagement type and identifying number (if any);
3. Submission date;
4. Whether the vendor elected or declined (per the Choice Form);
5. If elected: the stated pledge amount and the date received (if received);
6. Any correspondence provided by the vendor regarding the pledge election (if any).

B. The Registry and all Choice Forms shall be retained as public records in accordance with applicable records retention requirements.

C. The Township shall keep records not only of vendors who elect to pledge, but also vendors who decline, as reflected on the Choice Form.

SECTION 8. PUBLIC REPORTING (MANDATORY).

A. On a quarterly basis, the Township shall publish on its website a report listing, for each Covered Vendor awarded a contract or renewed during the reporting period:

1. Vendor name;
2. Contract description and award/renewal date;
3. Whether the vendor elected or declined on the Vendor Education Support Choice Form; and
4. If elected, the pledge amount and whether it has been received (and the date received).

B. The Township may redact information only to the extent required by law (e.g., personal identifying information not required for public disclosure).

SECTION 9. ADMINISTRATION; FORMS; IMPLEMENTATION.

A. The Township Clerk and Township Attorney are authorized to promulgate forms and administrative procedures necessary to implement this Ordinance, including standardized disclosure and certification forms and the Vendor Education Support Choice Form.

B. This Ordinance shall be implemented in a manner consistent with applicable law and shall not be interpreted to conflict with State procurement requirements, pay-to-play restrictions, or election law.

SECTION 10. SEVERABILITY.

If any section, subsection, clause, or phrase of this Ordinance is held invalid, the remaining portions shall not be affected.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect upon final passage and publication as required by law, and shall apply to solicitations issued and contracts awarded or renewed on or after the effective date.