

UPPER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 575

**AN ORDINANCE OF THE TOWNSHIP OF UPPER PROVIDENCE
RESTRICTING CAMPAIGN CONTRIBUTIONS FROM PERSONS OR
ENTITIES PROVIDING SERVICES NOT SUBJECT TO COMPETITIVE
BIDDING; PROVIDING PENALTIES FOR VIOLATIONS; EFFECTIVE FIVE
DAYS AFTER ADOPTION**

Consistent with the goals of good government through transparency and ethical conduct, the Board of Supervisors has determined that limiting political contributions from persons or entities holding or seeking to hold contracts or agreements for services or goods that are not subject to the competitive bidding process is in the public interest, and accordingly, it is hereby ORDAINED as follows:

1. Exclusion. This ordinance does not apply to materials or services which are subjected to the public bidding process as set forth in the Second Class Township Code.
2. General Rule. With respect to any provision of materials, services, professional advice, consulting advice, or any other matter not covered by the submission of sealed bids, the Township will not enter into any such relationship for goods and services with any person or entity which has, within the present or immediately preceding calendar year made or solicited a contribution(s) to any candidate for the office of Upper Providence Township Supervisor, nor to the committee of a candidate nor any committee supporting multiple candidates where any supported candidate is seeking the office of Township Supervisor, in an amount exceeding three hundred dollars (\$300.00). In determining whether a particular payment constitutes a contribution to a candidate or campaign of a candidate, the Township will be guided by the definitions in, and court interpretations of, the Pennsylvania Election Code. A person shall be considered a candidate on the date on which they file candidacy papers with the Montgomery County Board of Elections, or the first date on which they publicly announce an intention to run for the office of Supervisor, whichever first occurs. This provision applies equally to any contribution to a political committee that does not have the stated purpose of supporting a candidate for township supervisor but which subsequently makes a contribution to a candidate for Township Supervisor. The terms of this ordinance may not be avoided by having the work that is the subject of the agreement done through a subcontractor or business entity that owns, is owned by, or is related by business dealings with, the vendor or consultant.
3. Ongoing obligation. Beginning on the date of first contact with a potential vendor or consultant, and continuing through the conclusion of negotiations or, if applicable, the conclusion of a business relationship with Township, no vendor or consultant shall make a contribution to a candidate for office as above described.

4. Interpretation. This ordinance does not apply to any vendor or consulting relationship already existing as of the effective date of this ordinance. However, any extension or renewal of an existing agreement is subject to the terms of this ordinance.

5. Affidavit. Each person or entity which enters into an agreement for the provision of services or goods not covered by the open bidding process as above-described, shall sign an affidavit stating that he/she/it is aware of the provisions of this ordinance and has not made a contribution in violation of it. The form for such affidavit will be prepared by staff in conjunction with the solicitor. A copy of this ordinance and the affidavit will be distributed with any Township letter which solicits non-bid proposals or which is responding to an inquiry from a person or entity interested in providing materials or services not subject to competitive bidding, and will also be distributed to all persons or entities who are currently providing services or materials that were not subject to competitive bidding.

6. Provisions Not Exclusive. The terms of this ordinance are intended to be in addition to, and not in place of, all existing laws and regulations that govern political contributions or the conduct of elected officials, including any applicable provisions of the Pennsylvania Crimes Code and the Pennsylvania Public Official and Employee Ethics Act.

7. Penalty. Upon a determination of the Board of Supervisors by majority vote that a person or entity that is subject to the terms of this ordinance has violated its terms:

- a. The contract shall be voided immediately.
- b. The person or entity in violation shall be placed on a Township list of disqualified vendors and shall not be awarded either a competitive or a non-competitive contract with the Township unless or until removed from such list by a vote of the Board of Supervisors.
- c. If the facts warrant, the matter may be forwarded to the appropriate law enforcement agency for an investigation of criminal conduct.

8. Severability. If any portion of this ordinance is found invalid by a court of competent jurisdiction, then, to the extent possible, the invalid portion of the ordinance shall be severed from the remainder, and the remainder will continue in full force and effect.

9. Effective. This ordinance is effective five days after adoption.

SO ORDAINED this ____ day of _____, 2019.

Laurie Higgins, Board Chair

Attest: _____
Timothy J. Tieperman, Board Secretary