

VENDOR POLITICAL CONTRIBUTIONS POLICY

The following 'Political Contributions Policy' ("the Policy") was established by the DRPA's Board of Commissioners ("the **Board**") to ensure that the DRPA conducts business in an open, transparent, and ethical manner. The Policy defines the circumstances under which the DRPA is prohibited from contracting with business entities ("**Entities**") which make certain political contributions. The Policy also places a continuing duty on the part of Entities that contract with the DRPA to report any contribution they make during the contractual relationship.

POLICY:

1. All Entities seeking to enter into an agreement or otherwise contract to provide goods or services to the DRPA, if such agreement is in excess of \$25,000 in value, will be required to submit a Political Contribution Disclosure Form and a Certification Form prior to the execution of an agreement. After entering into an agreement with the Authority, an Entity shall have a continuing duty to report any contribution it makes during the term of the agreement. The political contributions to be disclosed are limited to those made on the local, county, and state levels in Pennsylvania and New Jersey.
2. If an Entity makes a contribution during the term of the Agreement, the Entity must disclose the candidate, date of contribution and the amount of the contribution to the DRPA within 30 days.
3. Definitions:
 - a. "Contribution" means a contribution which is a reportable contribution in accordance with either 25 P.S. §3241 et. seq. or N.J.S.A. 19:44A-1 et. seq., as applicable, made on or after the date hereof.
 - b. "Entity" means:
 - i. a for-profit entity as follows:
 - A. in the case of a corporation: the corporation, any officer of the corporation, and any person or business entity that owns or controls 10% or more of the stock of the corporation;
 - B. in the case of a general partnership: the partnership itself and any partner controlling 10% or more of the partnership interest;
 - C. in the case of a limited partnership: the limited partnership and any partner controlling 10% or more of the limited partnership interest;
 - D. in the case of a limited liability company: the limited liability company and any member controlling 10% or more of the limited liability company;
 - E. in the case of a limited liability partnership: the limited liability partnership and any partner controlling 10% or more of the limited liability partnership;
 - F. in the case of a sole proprietorship: the proprietor; and
 - G. in the case of any other form of entity organized under the laws of this State or any other state or foreign jurisdiction: the entity and any principal, officer, or partner thereof;

- ii. any subsidiary directly or indirectly controlled by the business entity;
 - iii. any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and
 - iv. with respect to an individual who is included within the definition of business entity, that individual's spouse or civil union partner, and any child residing with the individual, that, this policy shall not apply to a contribution made by such spouse, civil union partner, or child to a candidate for whom the contributor is entitled to vote or to a political party committee within whose jurisdiction the contributor resides unless such contribution is in violation of Section 6 of this policy.
4. It shall be a breach of the terms of any contract with the DRPA for an Entity to: (i) knowingly conceal or misrepresent a contribution given or received; (ii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iii) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this policy; (iv) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (v) engage in any exchange or contributions to circumvent the intent of this policy, or (vi) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this Policy.
5. An Entity which is determined by the DRPA to have willfully and intentionally made a contribution or failed to reveal a contribution in violation of this Policy shall be barred by the DRPA from contracting with the DRPA for up to five years.
6. Nothing contained herein shall prohibit the DRPA from contracting with an Entity where the DRPA's Chief Executive Officer is authorized to act pursuant to the Emergency Powers provisions under the By-laws.
7. Nothing contained in this Policy shall be construed as affecting the eligibility of any entity to enter into an agreement with the DRPA because that entity made a contribution during the two-year period immediately preceding the effective date of this Policy. This Policy was effective as of January 1, 2011.

PROCEDURE:

Offerors are required to submit a Political Contribution Disclosure Form and a Certification Form on all bids, proposals, quotes, and/or statements of qualifications for contracts in the amount of \$25,000 or more. The requested forms must be submitted in a separate sealed envelope from the rest of the Proposal. These forms shall not be submitted in the Technical Proposal or Cost Proposal.

The Political Contribution Disclosure Form and Certification Form will be forwarded to the DRPA's Office of the Inspector General ("OIG") for review. The OIG will determine whether the Offeror is in compliance with the DRPA's Policy. The OIG will also review the Political Contribution Disclosure Form for any potential conflict or direct conflict-of-interest with members of the DRPA's Board. The OIG will address any potential or actual conflict with the Board member, pursuant to OIG guidelines.

Failure to submit these forms will result in the disqualification of the Offeror's Proposal.

**CERTIFICATION
PROHIBITION ON CONTRACTING
WITH VENDORS WHO MAKE CERTAIN POLITICAL CONTRIBUTIONS**

The Proposer hereby certifies that it has not made a contribution that would bar the award of the Contract pursuant to the Prohibition on “Contracting with Vendors who Make Certain Political Contributions” Policy and shall report any contribution it makes during the term of the Contract.

Date _____

Signature _____

Company Name _____

Title _____