



Political Law Alert

Contacts

Kenneth A. Gross

Partner
202.371.7007
kenneth.gross@skadden.com

Ki P. Hong

Partner
202.371.7017
ki.hong@skadden.com

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Four Times Square
New York, NY 10036
212.735.3000

1440 New York Avenue, N.W.
Washington, D.C. 20005
202.371.7000

Reminder: New Jersey Pay-to-Play Form BE Due on March 30, 2016

This memorandum is to remind you that the annual filing for state and local contractors required under New Jersey Chapter 271 (Form BE) is due March 30, 2016. In particular, as we have described in previous mailings, this report must be filed if a business entity has received \$50,000 or more in the aggregate during the 2015 calendar year through agreements or contracts with New Jersey state and local government entities.

If such a business entity has reportable contributions made by covered donors in 2015, these contributions, as well as details regarding the contracts, must be reported. If the business entity does not have reportable contributions, a statement must still be filed, though details regarding the contracts need not be reported.

Note there are two changes to this year's form:

1. The signer must certify: "I have been authorized by the above named business entity to complete the annual statement, and certify that the statements and/or information contained herein are true. I am aware that if any of the statements or information are willfully false, I may be subject to punishment." Last year's form only required the signer to certify: "I have been authorized by the above named business entity to complete the annual statement."
2. When disclosing contract details, a box must be checked as to whether the contract was awarded pursuant to a "fair and open process." The New Jersey regulations define "fair and open process" to mean, "at a minimum, that the contract shall be: publicly advertised in newspapers or on the Internet website maintained by the public entity in sufficient time to give notice in advance of the contract; awarded under a process that provides for public solicitation of proposals or qualifications and awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications; and publicly opened and announced when awarded. The decision of a public entity as to what constitutes a 'fair and open process' shall be final."

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Additional Contacts in the Political Law Group

Matthew Bobys

Counsel
202.371.7739
matthew.bobys@skadden.com

Charles M. Ricciardelli

Associate
202.371.7573
charles.ricciardelli@skadden.com

Jeremy F. Regan

Associate
202.371.7073
jeremy.regan@skadden.com

Melissa L. Miles

Counsel
202.371.7836
melissa.miles@skadden.com

Tyler Rosen

Associate
202.371.7035
tyler.rosen@skadden.com

Kelvin Reese

Head Political Reports Analyst
202.371.7498
kelvin.reese@skadden.com

Patricia M. Zweibel

Counsel
202.371.7089
patricia.zweibel@skadden.com

Shayla Parker

Associate
202.371.7534
shayla.parker@skadden.com