



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
OFFICE OF THE DIRECTOR
33 WEST STATE STREET
P. O. BOX 039

TRENTON, NEW JERSEY 08625-0039
Telephone (609) 292-4886 / Facsimile (609) 984-2575
<https://www.njstart.gov>

CHRIS CHRISTIE
Governor

FORD M. SCUDDER
Acting State Treasurer

KIM GUADAGNO
Lt. Governor

JIGNASA DESAI-MCCLEARY
Director

February 4, 2016

Mr. Charles Romanoli, CCM
New Road Construction Management Co., Inc.
1876 Greentree Road
Cherry Hill, New Jersey 08003

**Re: New Road Construction Management Co., Inc.
Reconsideration of Chapter 51/EO117 Ineligibility, Rowan University**

Dear Mr. Romanoli:

This letter is in response to your e-mail to Julie Weaver of the Division of Purchase and Property ("Division") dated November 18, 2015, and your facsimile addressed to me also dated November 18th. The e-mail and facsimile seek to "appeal", or request reconsideration of an initial ineligibility determination by the Chapter 51 Unit of the Division that four (4) contributions made by New Road Construction Management Co., Inc. ("New Road Construction"), rendered New Road Construction ineligible for a contract award by Rowan University. The contributions are as follows:

Camden County Democratic Committee in the amount of \$1,500 on 12/18/2014;
Gloucester County Democratic Committee in the amount of \$1,000 on 12/18/2014;
Cumberland County Democratic Organization in the amount of \$500 on 5/28/2015; and
Cumberland County Democratic Organization in the amount of \$1,000 on 8/6/2015
(collectively the "Contributions").

The pertinent statute, P.L. 2005, c. 51 ("Chapter 51"), prohibits the State of New Jersey ("State"), or any of the State's purchasing agents or agencies, or its independent authorities from contracting with business entities that have solicited or made any contribution of money to any candidate committee or election fund of any candidate for, or any holder of the public office of the Governor, or to any State or county political party committee within specified time frames. Effective November 15, 2008, Executive Order Number 117, among other things, extended Chapter 51's limit on contracting with firms that have contributed to include business entities contributing to any legislative leadership committee, or any municipal political party committee in the same manner as those provisions apply to a contribution to any candidate committee, election fund, or State or county political party committee identified in Chapter 51.

The legislative findings associated with Chapter 51 place the utmost importance on the State's compelling interests in prohibiting the award of government contracts to business entities that are contributors to certain political parties and holders of public office. N.J.S.A. 19:44A-20.13. The State is charged with the duty of assuring the public that the selection of State contracts is based upon merit and not political contributions made by such contractors. Ibid. The legislative intent is to safeguard not only against political contributions that pose the risk of improper influence or purchase of access, but also against those contributions that create the perception or appearance thereof. Id.

I begin with a brief review of the facts. Rowan University issued its RFQ No.: 16-12 for Project Management On-Call Services. As a required part of the procurement process, Rowan University requested, and New Road Construction submitted, a New Jersey Division of Purchase and Property Two-Year Chapter 51/EO117 Vendor Certification and Disclosure of Political Contributions ("Certification") to Rowan University. Rowan University forwarded the Certification to the Chapter 51 Unit for review. New Road Construction's Certification, certified by Scott Weitz, the President of New Road Construction with a one hundred percent (100%) ownership interest, disclosed the aforementioned Contributions. The Chapter 51 Unit reviewed the Contributions and determined them to be disqualifying in violation of Chapter 51/EO 117. This reconsideration request followed.

New Road Construction requests relief on several bases. First, New Road Construction states that it is a registered New Jersey small business doing business in New Jersey for 35 years and has earned an exceptional reputation for integrity and quality service. New Road Construction adds that it has worked diligently to win a contract from Rowan University for three (3) years now so this is an important award for New Road Construction and its employees. Second, New Road Construction states that the Contributions were "minimal political contributions" intended for local political candidates. Finally, New Road Construction states that the Contributions were an "unintentional error on our bookkeepers [sic] part" and the four (4) Contributions have been returned.

As to New Road Construction's first contention that it is a registered State small business entity of long-standing and has an excellent reputation for both integrity and quality of service, I accept this contention and find it to be accurate for the purposes of this reconsideration matter. I turn now to the other contentions in this request.

The second contention is that the Contributions were not significant but "minimal". Further, the Contributions were intended to support local political candidates. Chapter 51 contains a permissible, maximum legal political contribution limit. Specifically, Chapter 51 provides: "[f]or the purposes of this act, a "contribution" means a contribution reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L. 1973, c. 83, (C.19:44A-1 et seq.) made on or after the effective date of this act". N.J.S.A. 19:44A-20.16. A "Contribution reportable by the recipient" means, among other things, a contribution or contributions in excess of \$300.00 per calendar year to or received by a political party committee. N.J.A.C. 19:25-24.1. Correspondingly, \$300.00 is the legal limit. The subject Contributions range from \$500.00 to \$1,500.00, all in excess of the permitted limit. Thus, the ineligibility determination cannot be reversed on this basis. The other part of this contention is that the Contributions were intended for local political candidates. A review of the four (4) checks evidencing the Contributions (copies of the checks are attached hereto and incorporated herein) shows that they were made payable by New Road Construction to the Camden County Democratic Committee, the Gloucester County Democratic Committee and two (2) to the Cumberland County Democratic Organization, all county political party committees. None of the Contributions were made payable to any local political candidate, or any election fund thereof.

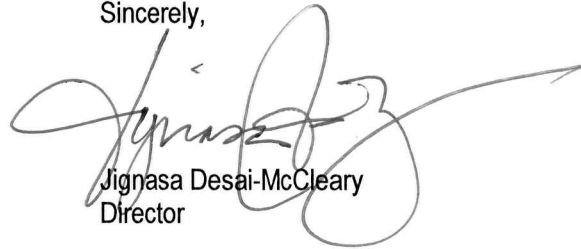
The third and final contention is that the Contributions were inadvertent errors on the part of New Road Construction's bookkeeper and have been returned within the bounds of the applicable law. In documentary support of this contention, New Road Construction submitted a copy of a check from the Camden County Democratic Committee, Inc. to New Road Construction dated November 10, 2015, in the amount of \$1,500.00 and a copy of a check from the Gloucester County Democratic Executive Committee to New Road Construction dated November 16, 2015, in the amount of \$1,000.00 with evidence of a date stamp "RECEIVED" by New Road Construction on November 18, 2015. New Road Construction also submitted a copy of a check from the Cumberland County Democratic Organization to New Road Construction dated November 10, 2015, in the amount of \$500.00 and a copy of a check from the Cumberland County Democratic Organization dated November 10, 2015, in the amount of \$1,000.00. (Copies of the checks are attached hereto and incorporated herein).

New Road Construction's contention that the Contributions have been "returned", or refunded in a manner to provide relief, is inconsistent with both the governing statute and binding precedent. Chapter 51 provides a narrow window within which a business entity may neutralize the effect of an inadvertent contribution and maintain its eligibility for State contracts. N.J.S.A. 19:44A-20.20 provides in part: "If a business entity inadvertently makes a contribution that would otherwise bar it from receiving a contract, or makes a contribution during the term of a contract in violation of this act, the entity may request a full reimbursement from the recipient and, if such

reimbursement is received within 30 days after the date on which the contribution was made, the business entity would again be eligible to receive a contract or would no longer be in violation, as appropriate". The contributions to the Camden County Democratic Committee and the Gloucester County Democratic Committee were made on the same day, December 18, 2014. As stated, New Road Construction presented documentation of the return of these contributions on November 10, 2015, and November 18, 2015, respectively. The two (2) contributions to the Cumberland County Democratic Organization dated May 28, 2015 and August 6, 2015 were returned to New Road Construction by checks dated November 10, 2015. The return of all of these contributions from the county political party committees to New Road Construction came months after they were made, well after the 30 days required under Chapter 51 and EO 117. See also In Re Earle Asphalt, 401 N.J. Super. 310 (App. Div. 2008) aff'd o.b. 198 N.J. 143 (2009) (affirming that both the request for reimbursement and actual receipt of the reimbursement must occur within 30 days of the disqualifying contribution). Therefore, according to law, the ineligibility determination cannot be reversed.

I have reviewed the information submitted as it relates to the provisions of Chapter 51 and Executive Order Number 117. None of New Road Construction's contentions provide a basis for relief. Based upon this review and for the reasons discussed above, I am without discretion to overturn the initial ineligibility determination rendered by the Chapter 51 Unit in this matter. To obtain additional information and future guidance concerning the legal requirements, please review the Division's website at <http://www.state.nj.us/treasury/purchase/execorder134.shtml>. By copy of this letter, I am notifying Rowan University of this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Jignasa Desai-McCleary", with a long horizontal flourish extending to the right.

Jignasa Desai-McCleary
Director

c: Amy Davis, DPP
Robert Shaughnessy, DPMC
Christina Haley, Rowan University
Alexis Jones, Rowan University

NEW ROAD CONSTRUCTION
MANAGEMENT CO., INC.
1676 GREENTREE RD.
CHERRY HILL, NJ 08003

2792

55-160-212

DATE 12-18-14

PAY TO THE ORDER OF Camden County Democratic Committee, Inc.

\$ 1,500.00

One thousand five hundred and 00/100 DOLLARS

TO BANK
AMERICA'S MOST CONVENIENT BANK

FOR Annual Inaugural Dinner

Scott W. [Signature]

⑆002792⑆ ⑆021201503⑆ 0001001116⑆

Account: 1001116
Amount: 1,500.00
PostDate: 20141230
Tran_ID: 567019188
CheckNum: 2792
DIN: 567019201
ReturnReasonDescription:

ECEItemSeqNum: 518035209127

518035209127 105518 | 20141230 00000000001001116
DDA_DEBIT SMONTANO 150000
Atrium 0180 94004 5180 15 0044

CCDC
4971669
deposit only

Account: 1001116
Amount: 1,500.00
PostDate: 20141230
Tran_ID: 567019188
CheckNum: 2792
DIN: 567019201
ReturnReasonDescription:
ECEItemSeqNum: 518035209127

NEW ROAD CONSTRUCTION
MANAGEMENT CO., INC.
1876 GREENTREE RD
CHERRY HILL, NJ 08003

2793

55-150-212

DATE 12-18-14

PAY
TO THE
ORDER OF

Gloucester County Democratic Committee
One thousand and 00/100

\$ 1,000.00

DOLLARS

TD BANK
AMERICA'S MOST CONVENIENT BANK

FOR *Annual Recipient*

Scott White

⑆002793⑆ ⑆021201503⑆ 0001001116⑆

Account: 1001116
Amount: 1,000.00
PostDate: 20150106
Tran_ID: 749630686
CheckNum: 2793
DIN: 749630921
ReturnReasonDescription:
ECEItemSeqNum: 3659119890

PAY TO THE ORDER OF
THE BANK
031207636
FOR DEPOSIT ONLY
GLOUCESTER COUNTY
DEMOCRATIC COMMITTEE
1100702505

ACCOUNT 1001116
AMOUNT 1,000.00
POSTDATE 20150106
TRAN_ID 749630686
CHECKNUM 2793
DIN 749630921
RETURN_REASON_DESCRIPTION:
ECE_ITEM_SEQ_NUM 3659119890

NEW ROAD CONSTRUCTION MANAGEMENT CO., INC.
1878 GREGENTREE RD
CHERRY HILL, NJ 08003-2026

2858

FD-100 (Rev. 10-1-95)
55-138-312

PAY
TO THE
ORDER OF

Cumberland Co. Democratic Organization

DATE 5-28-15

Five hundred and 00/100

\$ 500.00

DOLLARS

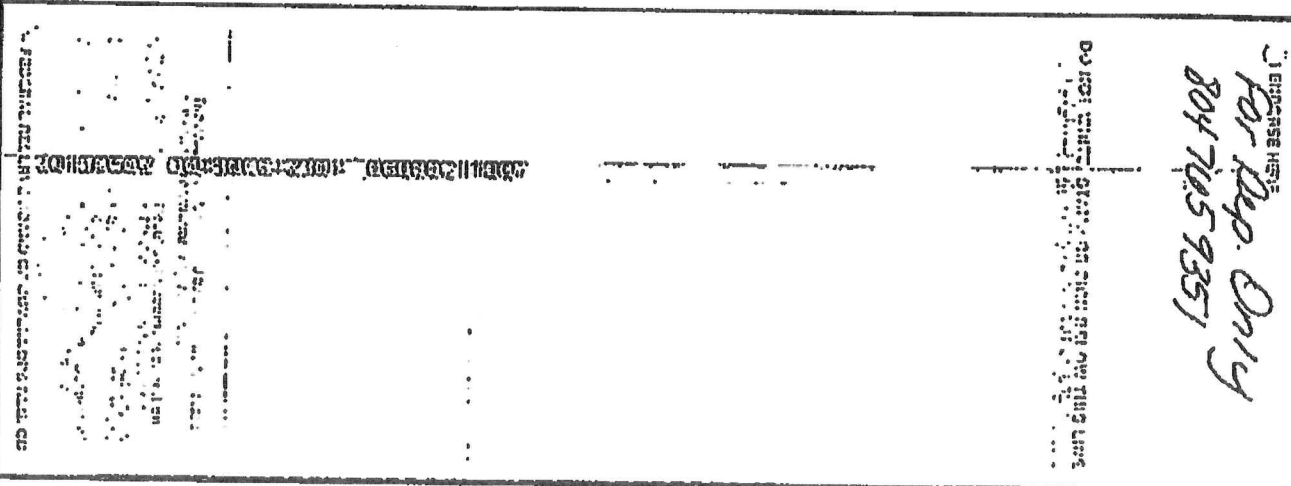


FOR

S. A. Wink

⑈002858⑈ ⑆031201360⑆ 0001001116⑈

Account: 1001116
Amount: 500.00
PostDate: 20150602
Tran_ID: 531094836
CheckNum: 2858
DIN: 531095606
ReturnReasonDescription:
ECEItemSeqNum: 004800242304



Account: 1001116
Amount: 500.00
PostDate: 20150602
Tran_ID: 531094836
CheckNum: 2858
DIN: 531095606
ReturnReasonDescription:
ECEItemSeqNum: 004800242304

2898

NEW ROAD CONSTRUCTION MANAGEMENT CO., INC.
 1878 GREENTREE RD
 CHERRY HILL, NJ 08003-2025

U.S. Bank
Member FDIC
55-136-312

DATE 8-6-15

PAY TO THE ORDER OF Cumberland County Democratic Organization \$ 1,000.00
One thousand and 00/100 DOLLARS

TD Bank

FOR S. H. Weik

⑈002898⑈ ⑆031201360⑆ 0001001116⑈

Account: 1001116
 Amount: 1,000.00
 PostDate: 20150810
 Tran_ID: 521536086
 CheckNum: 2898
 DIN: 521537281
 ReturnReasonDescription:
 ECEItemSeqNum: 005300349423

20150810 005300349423 06000211001

DO NOT WRITE IN THESE SPACES

VOIDS
For Dep. Only
804.745.9351

Account: 1001116
 Amount: 1,000.00
 PostDate: 20150810
 Tran_ID: 521536086
 CheckNum: 2898
 DIN: 521537281
 ReturnReasonDescription:
 ECEItemSeqNum: 005300349423

Melissa Pollitt

From: Chuck Romanoli [CRomanoli@newroadconstruc
Sent: Tuesday, November 10, 2016 6:02 PM
To: Melissa Pollitt
Cc: Scott Weitz
Subject: RE: Contribution Issue

Thanks Melissa – Apologize for the fire drill

Chuck Romanoli, CCM
Principal



1876 Greentree Road
Cherry Hill, New Jersey 08003
609-760-1787 Mobile
856-424-8888 Phone
856-424-1688 Fax
www.newroadconstruction.com

cc ✓

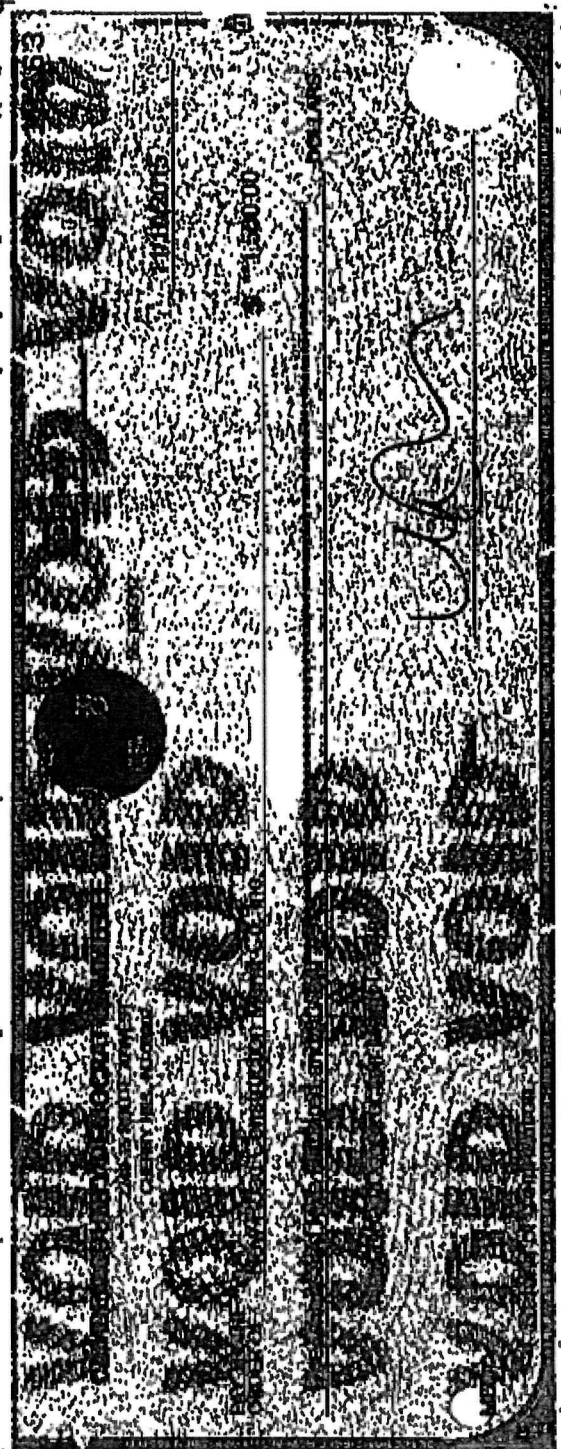
From: Melissa Pollitt [mailto:melissa.pollitt@gmail.com]
Sent: Tuesday, November 10, 2015 4:30 PM
To: Chuck Romanoli
Cc: Scott Weitz
Subject: RE: Contribution Issue

Chuck,
Thank you for your request. Will will get that refund processed as soon as p
All the best,
Melissa Pollitt
On Behalf of Camden County Democratic Committee, Inc.
856-424-5757

From: Chuck Romanoli [mailto:CRomanoli@newroadconstruction.com]
Sent: Tuesday, November 10, 2015 3:21 PM
To: melissa.pollitt@gmail.com
Cc: Scott Weitz
Subject: FW: Contribution Issue

Hi Melissa -
Following up on our conversation, we have been advised that a contribution we made to the Camden Cnty Dams may
exclude us from a State Contract. We respectfully request the check be returned to our office. Check no 2792 in the
amount of \$1,500 made payable to Camden County Democratic Committee on 12/18/14. Please advise.
Thank-you

Chuck Romanoli, CCM
Principal



46 598 64 50961021E04 W929104

GLOUCESTER COUNTY DEMOCRATIC COMMITTEE

FRED H. MADDEN
Chairman

TED BAMFORD
Treasurer

VICKI ANTONINI
Vice-Chair

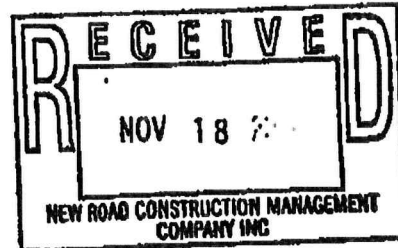
MICHELLE SHIREY
Secretary

CHARLES FENTRESS
Sergeant at Arms

JOHN ALICE
Counsel

JUSTIN KOLMAN
Executive Director

November 18, 2015



Dear Chuck,

Per our recent conversation, it is the understanding of the Gloucester County Democratic Committee that we received a \$1,000 contribution from New Road Construction on or around December 23, 2014 in error. In an effort to correct this mistake, we have enclosed a refund of this contribution. Please reach out if you have any questions or request further information. Thank you.

Sincerely,

Justin Kolman
Executive Director, Gloucester County Democratic Committee

Gloucester County Democrat Executive Committee 125 Berry Lane Sewell, NJ 08080		5028
DATE 11-16-15		88-763-312
PAY TO THE ORDER OF	New Road Construction Mgt. Co. Inc.	\$ 1000.00
one Thousand Dollars & 00/100		DOLLARS
Fulton Bank of New Jersey LISTENING IS JUST THE BEGINNING		
FOR		
⑈005028⑈ ⑆03⑆207636⑆ ⑆100702505⑈		

1969

Cumberland County Democratic Organization
P.O. Box 362
Woodbury, NJ 08096

PNC BANK
PNC Bank, N.A.
New Jersey 060
55-760-312

11/10/2015

PAY TO THE ORDER OF New Road Construction

\$ **500.00

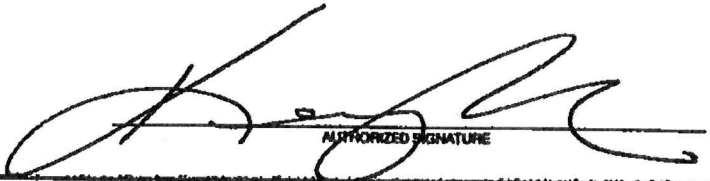
Five Hundred and 00/100*****

DOLLARS

New Road Construction
Management Co., Inc.
1876 Greentree Road
Cherry Hill, NJ 08003

MEMO

refund of contribution


AUTHORIZED SIGNATURE

⑈001969⑈ ⑆031207607⑆ 8047659351⑈

Cumberland County Democratic Organization

New Road Construction

11/10/2015

1969

500.00

Cumberland Co. Dem refund of contribution

500.00

Security features. Details on back.

1970

PNC BANK
PNC Bank, N.A.
New Jersey 060
55-760-312

Cumberland County Democratic Organization
P.O. Box 362
Woodbury, NJ 08096

11/10/2015

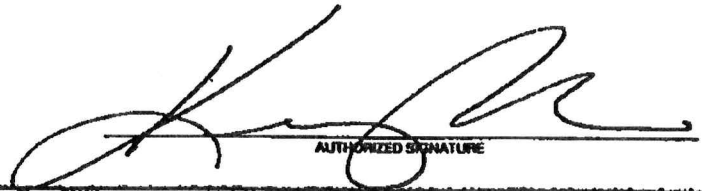
PAY TO THE ORDER OF New Road Construction

\$ **1,000.00

One Thousand and 00/100*****

DOLLARS

New Road Construction
Management Co., Inc.
1876 Greentree Road
Cherry Hill, NJ 08003



AUTHORIZED SIGNATURE

MEMO

Refund of contributions

⑈001970⑈ ⑆031207607⑆ 8047659351⑈

Security features. Details on back. 

Cumberland County Democratic Organization

New Road Construction

11/10/2015

1970

1,000.00

Cumberland Co. Dem Refund of contributions

1,000.00