



RESOLUTION NO. 827-13

A RESOLUTION ADOPTING PROCEDURES FOR PROFESSIONAL SERVICES CONTRACTS PURSUANT TO ACT 44 OF 2009

WHEREAS, Section 702-A of Act 44 of 2009, Pa.Stat.Ann.tit 53, § 895.101 *et seq.*, requires each municipal pension system to develop procedures related to contracts for the provision of professional services, including investment services, legal services, real estate services and other consulting services. The Township of Scott Police and Employees' Pension Plans (the "Retirement Plans") hereby enacts these procedures governing the selection of applicants for all professional services contracts.

1. **Advertisement.** Prior to entering into a professional services contract the Retirement Plans shall timely advertise the availability of a proposal for a professional services contract and shall set forth:
 - a. the services that are the subject of the proposed contract;
 - b. specifications relating to the services;
 - c. procedures to compete for the contracts; and
 - d. a list of the required disclosures contained on the attached Act 44 Disclosure Form.
 - e. The notice for professional services contract will be also made available on the Township's website.
2. **Limitation on Communication.** Once the notice for a professional services contract is advertised, communication between bidders and municipal officials and employees is prohibited, except requests for technical clarification. Requests for technical clarification shall be made by a designated employee from each of the Retirement Plans. Applicants are permitted to respond to requests for clarification or additional information from the Retirement Plans.
3. **Review.** The Retirement Plans shall review each submitted proposal to select the most qualified person and shall review relevant factors including, but not limited to, the following:
 - a. the person's qualifications, experience and expertise;
 - b. the compensation to be charged;
 - c. approach to managing risk and research capabilities;
 - d. knowledge of Act 205 & Act 600;

- e. ability to attend meetings;
 - f. references;
 - g. ultimate confidence bidder is able to meet the municipality's goals and address the municipality's concerns; and
 - h. any other criteria deemed by the Retirement Plans to be of importance to the particular services sought.
4. **Personnel**. Prior to entering into a professional services contract with an applicant, the Retirement Plans shall require disclosure from the applicant of all information contained on the Act 44 Disclosure Form attached hereto.
5. **Conflict of Interest**. Each applicant shall demonstrate in its application complete compliance with the requirements of Section 702-A(e) and Sections 703-A through 707-A of Act 44. This demonstration may not be a general or conclusory statement but must respond directly to each requirement of the Act. Without limiting the generality of the foregoing:
- a. No one who has, during the one year period preceding such a review of negotiation, been an employee of a contractor or potential contractor may participate on behalf of the Township in the review of a proposal or in the negotiation of a contract with that contractor.
 - b. No one who has, during the one year period preceding such a proposal submission or contract negotiation, been an employee of the Township's pension system may participate on behalf of a contractor or potential contractor in the submission of a proposal to the pension system or in the performance of a contract with the system.
6. **Notice and Summary**. The Retirement Plans shall summarize in a written statement the relevant factors that resulted in the award of the professional services contract. The written statement shall be included in or attached to the documents awarding the contract. Within ten (10) days of the award of the professional services contract, the Retirement Plans shall transmit the original application, a summary of the basis for the award and all required disclosure forms to all unsuccessful applicants and post the same on the Township's Internet website at least seven (7) days prior to the execution of the professional services contract.
7. **Contributors**. The Retirement Plans shall not enter into a professional services contract with a person or an affiliated entity that, within the past two years, has made a contribution to a municipal official or candidate for municipal office in the Township of Scott.
8. **Relationships**. The Retirement Plans shall not enter into a professional services contract with a person or an affiliated entity that has a direct financial, commercial or business relationship with any official of the Retirement Plans or the Township of Scott unless the Retirement Plans consent in writing to the relationship following full disclosure.
9. **Public Information**. Following the award of a professional services contract, the Retirement Plans shall make all applications and disclosure forms public except for proprietary information or other information protected by law.
10. **Increase**. The Retirement Plans shall not amend a professional services contract to increase the cost of

the contract by more than 10% or \$10,000, whichever is greater, unless the increase and a written justification for the increase are made public and posted on the Township's Internet website at least seven (7) days prior to the effective date of the amendment.

11. **Gifts.** The Retirement Plans shall not accept any gift, including money, services, loans, travel, lodging, entertainment, discount or other thing of value, from a contractor with a professional services contract with the Retirement Plans.
12. **Forms.** The Retirement Plans shall post the Act 44 Disclosure Forms of all contractors with which it has entered into a professional services contract on the Township's Internet website. During the term of the contract, the Retirement Plans shall require each contractor to complete an updated Act 44 Disclosure Form annually.
13. **Penalties.**
 - a. the Retirement Plans shall void the professional services contract of any contractor that knowingly makes a material misstatement or omission in the Act 44 Disclosure Form and shall prohibit the contractor from entering into a professional services contract with the Retirement Plans for a period of up to three years.
 - b. If a contractor or person that has submitted a proposal or bid in violation of subparagraph a. more than two times in a 36-month period, the Retirement Plans shall void all contracts between that contractor and the Retirement Plans and shall debar that contractor or person for a period of at least three years from the date of the last violation.

ADOPTED this 22nd of January, 2013

ATTEST:


Secretary


President
Scott Township Board of Commissioners