

Borough of East Prospect  
York County, Pennsylvania

Procedures for Compliance with the Professional Services Contract

Provisions of Act 44 of 2009

Below are the procedures for the purchase or provision of professional services to which the Borough's municipal pension system is a party and is paid compensation out of or from the municipal pension fund, including investment, legal, actuarial and other consulting services the Borough of East Prospect ("Borough") has adopted to comply with Act 44:

**1) Request for Proposal Application(s) including disclosures:**

Applications will be drafted at the time services are needed. The application provisions will address the applicants' qualifications, experience, expertise and compensation to be charged. An Act 44 – compliant Disclosure Form will be included as part of the application. The Request for Proposal ("RFP") is not subject to a requirement that the lowest bid be accepted; but, rather shall be awarded to the most qualified applicant.

**2) Advertisement:**

The Borough shall advertise the availability of a RFP for professional services contract to potential participants or candidates in a timely and efficient manner. An advertisement of such will include the following:

- The services that are the subject of the proposed contract
- Specifications relating to the services
- Procedures to compete for the contracts
- Required disclosures including, political contributions or financial, commercial or business relationships with Borough officials
- Additional information desired

### **3) Review:**

The evaluation process will involve several steps. The initial responses to the RFP will be evaluated by the Borough. The Borough will determine a list of finalists, interview finalists if applicable and make a final decision.

- The criteria to be used in the evaluation process can differ depending on the professional services requested but criteria will be clearly stated in each RFP and all will include:
- The applicant's qualifications, experience, and expertise related to Pennsylvania Municipal Pensions;
- The applicant's approach to managing risk and research capabilities;
- The applicant's knowledge of Act 205 and Act 600 or any successor Acts;
- The quoted fee(s) associated with the desired service(s) sought;
- The applicants' availability to meet with convened pension committees for periodic review;
- The response of the references provided by the applicant; and
- The ultimate confidence of the Borough as represented by the vote to accept the applicant in contract.

### **4) Personnel:**

Prior to entering into a professional services contract, the contractor shall disclose the names and titles of each individual who will be providing professional services to the Borough's municipal pension system, including advisors or subcontractors of the contractor. Furthermore, disclosures will include all of the following:

- Whether the individual is a current or former official or employee of the Borough;
- Whether the individual is a current or former registered Federal or State lobbyist;
- A description of the responsibilities of each individual with regard to the services provisions of the contract;
- The resume of an individual listed in the aforementioned disclosure shall be provided to the Borough upon request.

**5) Conflict of Interest:**

All RFP proceedings shall include a minimum restriction of **one year** on:

- Participation by a former employee of a contractor or potential contractor in the review of a proposal or negotiation of a contract with that contractor;
- Participation by a former employee of the Borough's municipal pension system in the submission of a proposal or the performance of a contract.

Additionally, all RFP proceedings shall include a disqualification for:

- Any entity that currently holds a professional services contract, responds to, applies for, or otherwise solicits, a professional services contract, that has conveyed a gift having more than a nominal value, including money, services, loans, travel, lodging, entertainment, discount or other things of value, to any Borough official or employee of the Borough since December 17<sup>th</sup>, 2009; or
- Any entity that currently holds a professional services contract, responding to, applies for, or otherwise solicits, a professional services contract, that has made a political contribution within the previous two (2) years after December 17, 2009 to any candidates or current officials or political party or political action committee of any candidate or official of or for the Borough since December 17<sup>th</sup>, 2009.

**6) Public Information:**

Following the award of a professional services contract, all applications and disclosure forms shall be made public except for proprietary information or other information protected by law.

**7) Notification and Posting of Proceedings:**

Following the decision by the Borough of a finalist, the relevant factors that resulted in the selection for award of the professional services contract shall be summarized in written statement and included or attached to the documents awarding the contract. Within 10 days of the selection for award of the professional services contract, the original application, the RFP summary of proceedings and selection statement and all disclosure forms must be transmitted to all unsuccessful applicants and posted on the Borough municipal pension system's website, if a website is maintained, at least seven days prior to the execution of the professional services contract.

**8) Increase:**

A professional services contract shall not be amended 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 public and posted on the Borough's municipal pension system's website, if a website is maintained, at least seven days prior to the effective date of the amendment.