

**DELAWARE TOWNSHIP**

**PIKE COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2013-08**

**A RESOLUTION ESTABLISHING PROCEDURES FOR COMPLIANCE WITH THE PROFESSIONAL SERVICES CONTRACT PROVISIONS OF ACT 44 OF 2009**

**WHEREAS**, DELAWARE Township (Township), a township of the second class, is a political subdivision of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Township maintains a municipal pension plan for uniformed/nonuniformed employees; and

**WHEREAS**, Act 44 of 2009 requires that each municipal pension system develop procedures to select the most qualified person to enter into a professional services contract for pension administrators and/or other service providers; and

**WHEREAS**, Act 44 of 2009 requires that the procedures ensure that the availability of a professional services contract is advertised to potential participants in a timely and efficient manner; and

**WHEREAS**, the Township desires to establish such procedures consistent with Act 44 of 2009:

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the Township as follows:

**SECTION 1:** Requests for Proposal (RFPs) for professional services contracts will be drafted by the Township at the time the services are needed by the Township. The RFPs will seek information regarding the applicants' qualifications, experience, expertise, and compensation to be charged. The RFPs will include a disclosure form that is compliant with Act 44 of 2009. Such RFPs are not subject to a requirement that the lowest bid be accepted.

**SECTION 2:** The availability of RFPs for professional service contracts for the Township's pension plan shall be advertised in a newspaper of general circulation in the Township, and in such other trade or professional publications as the Township deems appropriate. The advertisement shall include:

- A. The services that are the subject of the proposed professional services contract.
- B. Specifications relating to the services.
- C. Procedures to compete for the contracts.
- D. Required disclosures.

E. Additional information, as necessary or desired by the Township.

**SECTION 3:** The Board of Supervisors shall review all submitted proposals. The Board of Supervisors will then identify finalists and interview those finalists, if applicable and appropriate. The Board of Supervisors will then make a final decision by majority vote at a properly advertised public meeting. The criteria to be used by the Board of Supervisors when making the final decision may differ, depending on the specific services that are the subject of the RFP, but shall include the following:

- The applicant's qualifications, experience and expertise relating to municipal pensions in the Commonwealth of Pennsylvania;
- The applicant's approach to managing risk;
- The applicant's research capabilities;
- The applicant's knowledge of Act 205 and Act 600;
- The compensation to be charged by the applicant;
- The applicant's willingness and availability to meet with the Township on a periodic basis;
- The comments and responses of references provided by the applicant; and
- The ultimate confidence of the Township, as represented by the vote to accept the applicant.

**SECTION 4:** Prior to entering into a professional services contract, the service provider shall disclose the names and titles of each individual who will be providing professional services to the Township's pension plan, including advisors or subcontractors of the service provider.

Disclosures under this section shall include all of the following:

- a. Whether the individual is a current or former official or employee of the Township;
- b. Whether the individual has been a registered Federal or State lobbyist;
- c. A description of the responsibilities of each individual with regard to the professional services contract; and
- d. Resumes of each individual listed in the disclosures, upon request by the Township.

Any information required under this section shall be updated by the service provider as changes occur.

**SECTION 5:** The following conflicts of interest policies shall apply:

- A. [insert Township's conflict of interest policies]

B. All RFPs shall include a minimum restriction of one year on:

- Participation by a former employee of a professional services provider or potential professional services provider in the review of a proposal or negotiation of a contract with that professional services provider;
- Participation by a former employee of the Township in the submission of a proposal or the performance of a professional services contract.

**SECTION 6:** Following the award of a professional services contract, all applications and disclosure forms shall be public except for proprietary information or other information protected by law.

**SECTION 7:** A professional services contract awarded pursuant to this Resolution 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 Township's pension system's Internet website, if an Internet website is maintained, at least seven (7) days prior to the effective date of the amendment. For purposes of this section, if the Township does not maintain a separate website for its pension system, then the Township's website, if one exists, shall suffice.

**SECTION 8:** The relevant factors that resulted in the award of the professional services contract shall be summarized in a written statement to be included in or attached to the documents awarding the contract. Within ten (10) days of the award of the professional services contract, the original application, a summary of the basis for the award and all required disclosure forms must be transmitted to all unsuccessful applicants and posted on the Township's pension system's Internet website, if an Internet website is maintained, at least seven (7) days prior to the execution of the professional services contract.

**SECTION 9:** This Resolution shall be effective five (5) days after enactment.

**RESOLVED** this 13 day of November, 2013.

**BOARD OF SUPERVISORS OF DELAWARE TOWNSHIP:**

BY:



THOMAS RYAN, CHAIRMAN



ROBERT LUCIANO, VICE-CHAIRMAN



THADDEUS PARSELL, SUPERVISOR

**ATTEST:**



BARBARA FOOS, TOWNSHIP SECRETARY