

**RESOLUTION NO. 18 OF 2016**

**A RESOLUTION ADOPTING WRITTEN PROCEDURES IN HOW  
PROFESSIONAL SERVICES ARE CHOSEN FOR ITS PENSION PLANS IN  
ORDER TO COMPLY WITH ACT 44 OF 2009 AND THE AUDITOR GENERAL'S  
RECOMMENDATION.**

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**WHEREAS**, with the passage of Act 44, municipalities are now required to prepare written procedures in how professional services are chosen for its pension plans; and

**WHEREAS**, the Department of Auditor General began issuing verbal observations recommending that municipalities adopt a written policy, and

**WHEREAS**, the Borough of Plymouth must provide the Department of Auditor General with a copy of the written procedures; and

**NOW, THEREFORE**, be it resolved by the Borough Council that it does hereby approve and adopt the attached document entitled Plymouth Borough Procedures for Compliance with the Professional Services contract provisions of Act 44 of 2009.

Resolved and Enacted by the Board this 20<sup>th</sup> day of September, 2016.

**BOROUGH OF PLYMOUTH**

BY: Gary Kochinski  
Gary Kochinski, President

Attest:

Holly Spece  
Holly Spece, Secretary

[SEAL]

Borough of Plymouth  
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, including investment, legal, actuarial and other consulting services this municipality 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. This RFP is not subject to a requirement that the lowest bid be accepted.

**2) Advertisement:**

The Municipality shall advertise the availability of a Request or Proposal 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 and additional information desired

**3) Review:**

The evaluation process will involve several steps. The initial responses to the request for Proposal will be evaluated by the municipality. The municipality 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 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;
- 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 municipality 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 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 of Plymouth;
- 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 Municipality upon request.

**5) Conflict of Interest:**

All Requests for Proposal proceedings shall include a minimum restriction of one year on

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

Additionally, all Requests for Proposal proceedings shall include a permanent 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, to any municipal official or employee of this municipality since December 17th, 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 to any parties, candidates or current office holders of or for this municipality since December 17th, 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 municipality of a finalist, the relevant factors that resulted in the selection for award of the professional services contract must 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 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 municipal pension system's website, if a website is maintained, at least seven days prior to the effective date of the amendment.