

## **APPENDIX “B”**

### **WEST EARL TOWNSHIP**

#### **POLICIES AND PROCEDURES FOR THE PROCUREMENT OF PROFESSIONAL SERVICES IN COMPLIANCE WITH ACT 44 OF 2009**

Below are the policies and procedures for the procurement and provision of professional services, including investment, legal, actuarial and other consulting services for the West Earl Township Police Pension Plan and the West Earl Township Nonuniformed Employees Pension Plan as adopted by West Earl Township (“Township”) to comply with Act 44:

1) *Requests for Proposals, Application(s) and Mandatory Disclosures:*

A Request for Proposals (RFP) will be drafted prior to the time services are needed allowing sufficient time for the preparation of the RFP, submission of applications by interested professional service providers, evaluation of the submitted applications, the award of the contract, and the notification and posting procedures mandated by Act 44. Each RFP will require interested professional service providers to submit an application containing the information required by the Township as indicated on the RFP. Applications will address the applicants’ qualifications, experience, expertise and compensation to be charged. An Act 44 – compliant Disclosure Form will be included in each RFP and must be completed and submitted by each applicant as part of the application. A copy of the Township’s Act 44 Disclosure Form is attached hereto as Appendix A. RFPs for professional services are not subject to a requirement that the lowest bid be accepted.

2) *Advertisement:*

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

- a. The brief description of the services that are the subject of the proposed contract.
- b. A set of specifications relating to the services to be provided.
- c. A summary of the procedures to compete for the contracts, including the deadline for submissions of applications.
- d. Required disclosures and additional information desired.

- e. Instructions on how interested professional service providers can access the complete RFP.

3) Review:

The evaluation process will involve several steps. The initial responses to the RFP will be evaluated by the members of the Pension Advisory Committee, who shall be appointed by the Board of Supervisors. The Pension Advisory Committee will determine a list of finalists, interview finalists if applicable and make a recommendation to the Board of Supervisors, who will then select the party to which a contract shall be awarded. The Board of Supervisors will take action to award the contract at a regularly scheduled or special meeting. The criteria to be used in the evaluation process can differ depending on the professional services requested but all will include:

- a. The applicant's qualifications, experience, and expertise related to Pennsylvania municipal pensions;
- b. The applicant's approach to managing risk and research capabilities;
- c. The applicant's knowledge of Act 205;
- d. The quoted fee(s) associated with the desired service(s) sought;
- e. The applicant's availability to meet with the Board of Supervisors (or Pension Advisory Committee) for periodic review;
- f. The response of the references provided by the applicant; and
- g. The ultimate confidence that the applicant is able to meet the Township's goals.

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 for each individual who will provide services:

- a. Whether the individual is a current or former official or employee of the Township;
- b. Whether the individual is a current or former registered Federal or State lobbyist;

- c. A description of the responsibilities the individual with regard to the services provisions of the contract;
- d. The individual's resume.

5) Conflict of Interest:

- a. All RFPs shall include a minimum restriction of one year on:
  - 1) 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;
  - 2) Participation by a former employee of the Township (and/or former member of the Pension Advisory Committee) in the submission of a proposal or the performance of a contract.
- b. Additionally, all RFPs shall include a disqualification for:
  - 1) Any applicant, including any affiliated entity of the applicant and any individual employed by such applicant who will be providing professional services under the contract, which has a direct financial, commercial or business relationship with any official of the Township unless the Township consents in writing to the relationship following full disclosure; or
  - 2) Any applicant, including any affiliated entity of the applicant and any individual of such applicant who will be providing professional services under the contract, which, during the two-year period prior to the deadline for submitting applications responding to the RFP or while the contract is in effect, has solicited or made a political contribution to any municipal official or candidate for municipal office of or for the Township.
  - 3) Any applicant, including any individual of such applicant who will be providing professional services under the contract, which, during the two-year period prior to the deadline for submitting applications responding to the RFP or while the contract is in effect, has offered or conferred a gift having more than a nominal value, including money, services, loans, travel, lodging, entertainment, discount or other thing of value, to any official, employee or fiduciary of the Township.

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 Township of to which applicant to award a contract, the basis for awarding 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 written statement summarizing the basis of the award, and all disclosure forms must be transmitted to all unsuccessful applicants and posted on the Township's website, 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.

9) Solicitation of Contributions:

At any time after advertisement by the Township of a professional services contract, no applicant, nor any agent, director, officer, or employee of any applicant, may solicit contributions to any Township official or candidate for Township office or the political party or political action committee of any official or candidate, regardless of whether such solicitation results in a contribution.

10) Limitation on Communications:

Each RFP shall designate an individual to whom all communications by applicants should be directed during the RFP process. At all times subsequent to the advertisement by the Township of a professional services contract and prior to the awarding of a contract, no applicant may cause or agree to allow a third party to communicate with any officials or employees of the Township, except to request technical clarification from the person designated by the Township to receive such communications. The Township's communications to applicants shall be limited to requests for clarification from applicants by the person designated by the Township to communicate with applicants.

In order to prevent an interruption of service and not preclude or impede an incumbent contractor, who is also an applicant for a new contract, from the performance of services currently under contract, an incumbent contractor may communicate with whomever the contractor is generally responsible for interacting at the Township, but ONLY to facilitate the continuance of service. An incumbent contractor may not, under any circumstance, discuss any details or request any information regarding an RFP which is being prepared by the Township or

has been advertised by the Township with any official, employee, or member of the Township, except as provided for above.

11) Penalties:

- a. The Township 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 or any applicant for a professional services contract from entering into a professional services contract with the Township for pension related services for a period of one (1) year from the date of such misstatement or omission.
- b. Any contractor or applicant for a professional services contract that has submitted an Act 44 Disclosure Form in violation of subsection A more than two (2) times in a thirty-six (36) month period shall have all contacts with the Township voided and shall be debarred from contracting with the Township for a period of three (3) years from the date of the last violation.