

RESOLUTION NO. 2021-12

A POLICY OF TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA TO IDENTIFY HOW PROFESSIONAL SERVICES WILL BE CHOSEN ACCORDING TO THE PENSION CONTRACT PROVISIONS OF PENNSYLVANIA ACT 44 OF 2009.

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

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

WHEREAS, each municipality must provide the Department of the Auditor General with a copy of its written procedures during their next scheduled audit;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS: Tulpehocken Township (“TOWNSHIP”) hereby establishes the following procedures for the purchase or provision of professional services, including investment, legal, actuarial, and other consulting services to comply with Act 44;

1. **Advertisement.** The Township shall advertise the availability of a Request for Proposal 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 services that are the subject of the proposed contract.
 - B. Specifications relating to the services.
 - C. Procedures to compete for the contracts.
 - D. Required disclosures and additional information desired.
2. **Review.** Procedures to select the most qualified proposal shall include a review of the proposal’s qualifications, experience and expertise and the compensation to be charged. The evaluation process will involve several steps. The initial responses to the Request for Proposal will be evaluated by the Township. The Township 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:
 - A. The proposal’s qualifications, experience, and expertise related to Pennsylvania Municipal Pensions.
 - B. The proposal’s approach to managing risk and research capabilities.
 - C. The proposal’s knowledge of Act 205 and Act 600.

- D. The quoted fee(s) associated with the desired service(s) sought.
 - E. The proposal's availability to meet with convened pension committees for periodic review.
 - F. The response of the references provided in the proposal.
 - G. The ultimate confidence of the Township as represented by the vote to accept the proposal in contract.
3. **Disclosures**. Prior to entering into a professional services contract with the Township pension system, the contractor shall disclose the names and titles of each individual who will be providing professional services to the Township pension system, including advisors or subcontractors of the contractor. Disclosures 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 contract.
 - D. The resume of an individual included in the disclosure shall be provided to the Township upon request.
 - E. An Act 44 – compliant Disclosure Form will be included as part of the application.
 - F. This RFP is not subject to a requirement that the lowest qualified bid be accepted.
4. **Conflict of Interest**. All Requests for Proposal proceedings shall include a minimum restriction of one year on:
- A. Participation by a former Township employee of a contractor or potential contractor in the review of a proposal or negotiation of a contract with that contractor.
 - B. Participation by a former Township employee of the Township pension system in the submission of a proposal or the performance of a contract.
5. **Public Information**. 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.
6. **Notification and Posting of Proceedings**. The relevant factors that resulted in the award of the professional services contract must be summarized in a written statement and 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 pension system's Internet website at least seven (7) days prior to the execution of the professional services contract.

7. **Increase.** A professional services contract shall not be amended to increase the cost of the contract by more than ten percent (10%) or ten thousand dollars (\$10,000), whichever is greater, unless the increase and a written justification for the increase are public and posted on the Township pension system's Internet website, if any, at least seven (7) days prior to the effective date of the amendment.

IN WITNESS WHEREOF, the Board of Supervisors of Tulpehocken Township has adopted this Resolution in lawful session this 13th day of October, 2021.



BOARD OF SUPERVISORS OF
TULPEHOCKEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

By:

Barbara Dech
Chairman

Richard A. Kramer
Member

Robert H. Fack
Member

Attest:

Christy Flaherty
Secretary