

RESOLUTION 2012-09

HAMILTONBAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE BOARD OF SUPERVISORS OF HAMILTONBAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, ADOPTING WRITTEN PROCEDURES FOR HOW PROFESSIONAL SERVICES ARE CHOSEN FOR ITS PENSION PLANS IN ORDER TO COMPLY WITH ACT 44 OF 2009 AND THE AUDITOR GENERAL'S RECOMMENDATION.

WHEREAS, with the passage of Act 44, municipalities are 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, municipalities must provide the Department of the Auditor General with a copy of their written procedures during their next scheduled audit;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania, that Hamiltonban Township hereby adopts the attached document entitled "Hamiltonban Township, Adams County, Pennsylvania, Procedures for Compliance with the Professional Services Contract Provisions of Act 44 of 2009."

RESOLVED this 5th day of June, 2012.

ATTESTED BY:

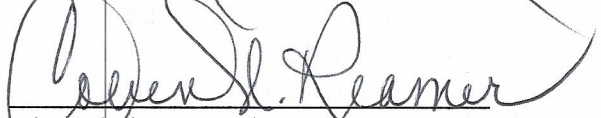


Deborah K. Feiler
Secretary/Treasurer


Board of Supervisors
Hamiltonban Township



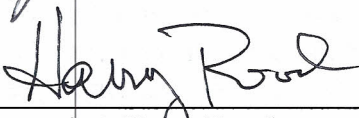
Chairman Robert L. Gordon



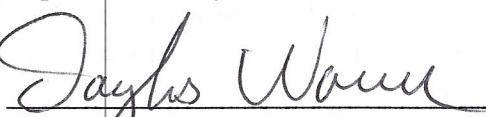
Vice Chairman Coleen N. Reamer



Supervisor James Grinder



Supervisor Harry Rood



Supervisor Douglas W. Woerner

**Hamiltonban Township, Adams County, Pennsylvania, Procedures for Compliance with
the Professional Services Contract Provisions of Act 44 of 2009.**

(a) Procedures. Each municipal pension system, including the Pennsylvania Municipal Retirement System, shall develop procedures to select the most qualified person to enter into a professional services contract. The procedures shall ensure that the availability of a professional services contract is advertised to potential participants in a timely and efficient manner. Procedures shall include applications and disclosure forms to be used to submit a proposal for review and to receive the award of a professional services contract.

(b) Advertisement. An advertisement of the availability of a proposal for a professional services contract shall set forth:

- (1) The services that are the subject of the proposed contract.
- (2) Specifications relating to the services.
- (3) Procedures to compete for the contracts.
- (4) Required disclosures.

(c) Review. Procedures to select the most qualified person shall include a review of the person's qualifications, experience and expertise and the compensation to be charged.

(d) Personnel.

- (1) Prior to entering into a professional services contract with a municipal pension system, 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.
- (2) Disclosure under this subsection shall include all of the following:
 - (i) Whether the individual is a current or former official or employee of the municipality entering into the contract.
 - (ii) Whether the individual has been a registered Federal or State lobbyist.
 - (iii) A description of the responsibilities of each individual with regard to the contract.
- (3) The resume of an individual included in the disclosure shall be provided to the municipality upon request.
- (4) The information under this subsection shall be updated as changes occur.

(e) Conflict of interest. The municipal pension system shall adopt policies relating to potential conflicts of interest in the review of a proposal or the negotiation of a contract. The policies shall include a minimum one-year restriction 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 municipal pension system in the submission of a proposal or the performance of a contract.

(f) 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.

(g) 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 Internet website, if an Internet website is maintained, at least seven days prior to the effective date of the amendment.

(h) Notice and summary. The relevant factors that resulted in the award of the professional services contract must be summarized in a written statement to be included in or attached to the documents awarding the contract. Within ten 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 municipal pension system's Internet website, if an Internet website is maintained, at least seven days prior to the execution of the professional services contract.