

Upper Darby Township Firefighters Pension Fund
Procedures for Compliance with the Professional Services Contract
Provisions of Act 44 of 2009

Below are procedures for the purchase or provision of professional services, including investment, legal, actuarial and other consulting services, that the Upper Darby Township Firefighters Pension Fund (the "Fund") is adopting to comply with Act 44:

- 1) Request for Proposal Application(s) Including Disclosures: Applications will be drafted at the time the service is needed. The application provisions will address the person's qualifications, experience, expertise, and compensation to be charged. An Act 44 Disclosure Form will be included in the application. This is not subject to a requirement that the lowest bid be accepted.
- 2) Advertisement: The Fund shall advertise the request for a professional services contract to potential participants or candidates in a timely and efficient manner. An advertisement of the availability of a proposal for a professional services contract shall include:
 - The services that are the subject of the proposed contract
 - Specifications relating to the services
 - Procedures to compete for the contracts
 - Required disclosures to be included in the RFP
- 3) Review: The evaluation process will involve several steps. The initial responses to this Request for Proposal will be evaluated by the Board of Trustees of the Fund, who will determine a list of finalists. The Board shall have the right to interview finalists and make a final decision.

The criteria to be used in the evaluation process can differ depending on the professional services requested, but all would include:

- The firm's qualifications, experience and expertise related to Pennsylvania Municipal Pensions
 - The firm's approach to managing risk and its research capabilities
 - The firm's knowledge of Act 205
 - The quoted fee of the firm
 - The firm's availability to meet with the Board
 - The response of the references provided by the firm
 - The ultimate confidence of the Board as represented by the vote to accept the firm
- 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.

Disclosure under this subsection shall include all of the following:

- Whether the individual is a current or former official or employee of the Township entering into the contract
 - Whether the individual has been a registered Federal or State lobbyist
 - A description of the responsibilities of each individual with regard to the contract
 - The resume of an individual included in the disclosure shall be provided to the Township upon request
- 5) Conflict of Interest: The procedures should include a minimum one-year restriction on:
- 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
 - Participation by a former employee of the municipal pension system in the submission of a proposal or the performance of a contract
- 6) 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.

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 10 days of the award of the professional service 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.

- 7) 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.

***Adopted by the Board of Trustees
Upper Darby Township Firefighters Pension Fund
February 7, 2013***