

RESOLUTION NO. 188-11

**BOROUGH OF LEESPORT**

A RESOLUTION OF THE BOROUGH OF LEESPORT RELATIVE TO THE PROCUREMENT OF PROFESSIONAL SERVICES FOR THE MUNICIPAL PENSION SYSTEM(S) SPONSORED BY THE BOROUGH BASED ON THE REQUIREMENTS OF ACT 44 OF 2009.

WHEREAS, the Borough of Leesport (the "Borough") has previously enacted a Resolution or Ordinance establishing the Borough of Leesport Non-Uniformed Employees' Pension Plan (the "system"); and

WHEREAS, the legislature enacted Act 44 on September 18, 2009; and

WHEREAS, the Borough is required by Act 44 of 2009 to establish procedures for the procurement of professional services for the municipal pension system; and

WHEREAS, the Borough desires to establish the following procedures for Act 44 of 2009 compliance;

BE IT RESOLVED by the Council of the Borough of Leesport and it is HEREBY RESOLVED AND ENACTED by authority of the same:

The Borough procedures for procuring professional services for the municipal pension system will include the following:

- a. Assemble a committee to oversee the request for proposal process.
- b. Adopt a policy relating to potential conflicts of interest in the review of a proposal or negotiation of a contract.
- c. Develop a timeline for posting advertisement, submission period, deadline, interviews, decision, and notifications.
- d. Draft an application form, advertisement, and disclosure form.
- e. Advertise the availability of a contract including application and required disclosure forms on the municipal website.
- f. Collect and review proposals to select the most qualified person, taking into account the person's qualifications, experience, expertise and the fees to be charged.
- g. Interview candidates as part of the selection process.
- h. Complete a disclosure form regarding municipal pension system officers and employees to identify any potential conflict of interest with respect to applications that were submitted.

- i. Make all applications and disclosure forms public (except for proprietary information and information protected by law) and subject to the Right to Know Act after the award of the contract.
- j. Summarize the relevant factors that resulted in the award of the contract in a written statement to be included in or attached to the documents awarding the contract.
- k. Within 10 days of awarding the contract, transmit the original application form, a summary of the basis for the award, and required disclosure form to all unsuccessful applicants and post on the municipal pension system's website at least seven days prior to execution of the contract.
- l. If amending the contract to increase the cost by more than the greater of 10% or \$10,000, post the increase and a written justification for the increase on the municipal pension system's web site at least seven days prior to the effective date of the amendment.
- m. Maintain updated annual required disclosures for current contract holders.
- n. Amend the procedures as may be required by the Auditor General.

RESOLVED AND ENACTED this 20<sup>th</sup> day of July, A.D., 2011.

ATTEST:

*Dorothea Anger*

Borough of Leesport

*Paula Neuse*

**Policy Relating to Potential Conflicts of Interest in the Review of a Proposal or the Negotiation of a Contract for the Leesport Borough Pension System**

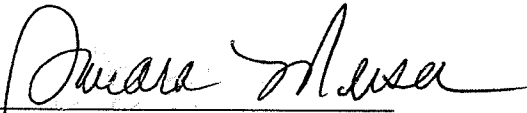
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No former employee of the contractor or potential contractor may participate in the review of a proposal or negotiation of a contract with that contractor for at least one year after being hired as an employee for the municipal pension system.

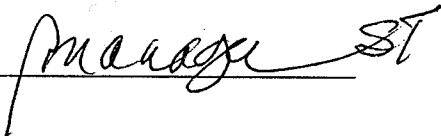
No former employee of the municipal pension system may participate in the submission of a proposal or performance of a contract for at least one year after leaving the municipal pension system's employment.

If a person that enters into or has applied for, submitted an offer or bid for, responded to a request for proposal on or otherwise solicited a contract with a municipal pension system or an officer, director or employee of a municipal pension system is aware, or reasonably should be aware of an apparent, potential or actual conflict of interest, the person shall disclose the conflict and promptly eliminate the conflict.

This policy does not preempt the municipality's Code of Ethics and/or existing Conflict of Interest Policy as it relates to the review of a proposal or negotiation of a contract in the case that the existing code or policy is stricter.



Name



Title

**Disclosure of Information for Professional Service Provider to Leesport Borough's  
Municipal Pension System(s)  
Professional Service Provider: ~~Mockenhaupt~~ Benefits Group**

**Regarding individuals at Mockenhaupt Benefits Group who will provide services under the contract:**

		Yes	No
1.	Are any current or former officials or employees of the municipality?		X
2.	Are any a registered federal or state lobbyist?		X
3.	Have any made a contribution in the past two years to a municipal official or candidate for office at municipality?		X
4.	Do any have a direct financial, commercial, or business relationship with any official of the municipality or municipal pension system?		X

**Regarding Mockenhaupt Benefits Group and affiliated entities:**

		Yes	No
1.	Have you or an "affiliated entity" (as defined in Act 44 of 2009) made any contributions to which all of the following apply: <ul style="list-style-type: none"> <li>a. The contribution was made within the last five years.</li> <li>b. The contribution was made by an officer, director, executive-level employee or owner of at least 5% of the firm or "affiliated entity."</li> <li>c. The amount of the contribution was at least \$500 in the form of               <ul style="list-style-type: none"> <li>i. a single contribution by a person in subparagraph (b) above; or</li> <li>ii. the aggregate of all contributions by all persons in subparagraph (b) above.</li> </ul> </li> <li>d. The contribution was made to:               <ul style="list-style-type: none"> <li>i. a candidate for any public office in the Commonwealth or to an</li> <li>ii. individual who holds that office; or</li> <li>iii. a political committee of a candidate for public office in the Commonwealth or of an individual who holds that office.</li> </ul> </li> </ul>		X
2.	Have you or an "affiliated entity" given any gifts to an official or employee of the municipal pension system or the municipality which controls the municipal pension system?		X
3.	Do you employ any third-party intermediary, agent or lobbyist?		X
4.	Do any additional potential or actual conflicts of interest exist relative to contracting of services with the municipality?		X

5. For the contribution(s) disclosed in your answer to No. 1 above, provide the following information:

Name and address of the contributor: N/A  
 Contributor's relationship to the Contractor: N/A  
 Name and office or position of each person receiving a contribution: N/A  
 Amount of the contribution: N/A  
 Date of the contribution: N/A

We understand that knowingly making a material misstatement or omission on this form may cause the municipal pension system to void our professional services contract.



William C. Asay, CEBS

# Municipal Retirement Trust



Phone: 1-800-232-7722  
Fax: 717-236-8164

2941 North Front Street  
Harrisburg, PA 17110

Website  
[www.boroughs.org](http://www.boroughs.org)

November 24, 2010

Sandra Weiser  
Leesport Borough  
PO Box 710  
Leesport PA 19533-0710

Dear Sandra:

I have enclosed the completed Act 44 Disclosure Form for 2010 on behalf of the Municipal Retirement Trust, per your request. Please retain this document for your records as the Pennsylvania Department of the Auditor General may request a copy of it during a future audit.

If you have any questions regarding the disclosure or need any further assistance in complying with this administrative mandate, please don't hesitate to contact me at 800-232-7722 ext.43.

Sincerely,

A handwritten signature in black ink that reads "Chris Cap". The signature is written in a cursive, flowing style.

Chris Cap  
PSAB Deputy Executive VP  
MRT Chief Operations Officer