

RESOLUTION NO. 1999

BOROUGH OF AVALON

A RESOLUTION OF THE BOROUGH OF AVALON 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 Avalon (the "Borough") has previously enacted a Resolution or Ordinance establishing the Borough of Avalon Employees Pension Plan and Borough of Avalon Police 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 Avalon and it is HEREBY RESOLVED AND ENACTED by authority of the same:

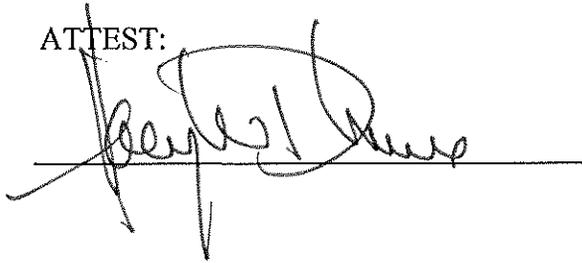
The Borough procedures for procuring professional services for the municipal pension system will include the following:

- 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 18 day of March, A.D., 2014.

ATTEST:



A handwritten signature in cursive script, written over a horizontal line. The signature is somewhat stylized and difficult to decipher, but appears to be a name.

Borough of Avalon



A handwritten signature in cursive script, written over a horizontal line. The signature is clearly legible and appears to be 'John K. ...'.

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

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.

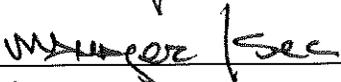
No former employee of the municipal pension system may participate in the submission of a proposal or performance of a contract for at least one year after leaving the municipal pension system's employment.

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

2014

**Disclosure of Information for Professional Service Provider to Avalon Borough's
Municipal Pension System**

Professional Service Provider: Mockenhaupt Benefits Group

Section 2 - Municipal Officials:

The following individuals are identified as pension system officials and employees to be considered as you complete the disclosure.

Section 3 — Individuals Providing Professional Services and Affiliated Entities:

A. Please provide names and titles of all individuals who provide professional services to the municipal pension plan.

B. Please identify any Affiliated Entity (name and title) of your company.

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**Disclosure of Information for Professional Service Provider to Avalon Borough's
Municipal Pension System**

Professional Service Provider: Mockenhaupt Benefits Group

Act 44 of 2009 requires annual disclosure of certain information by individuals or entities that hold contracts with and provide professional services to a municipal pension system. Please complete and return this disclosure to the department as soon as possible. If you feel you are not obligated to complete the disclosure, please provide written explanation. Responses should be directed to:

Mr. Harry Dilmore
Borough Manager
Avalon Borough
640 California Avenue
Avalon, PA 15202

Section 1 - Definitions:

The following terms are defined within Section 701-A of Act 44 of 2009.

Affiliated Entity: Any of the following:

1. A subsidiary or holding company of a lobbying firm or other business entity owned in whole or in part by a lobbying firm;
2. An organization recognized by the Internal Revenue Service as a tax-exempt organization under section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)) established by a lobbyist or lobbying firm or an affiliated entity.

Contractor: A person or an affiliated entity that has a professional services contract with a municipal pension system

Contributions: As defined in section 1621 of the act of June 3, 1927 (PL. 1333, No. 320), known as the Pennsylvania Election Code.

Executive Level

Employee: An employee of a person or the person's affiliated entity who:

1. Can affect or influence the outcome of the person's or affiliated entity's actions, policies or decisions relating to pensions and the conduct of business with a municipality or a municipal pension system; or
2. Is directly involved in the implementation or development of policies relating to pensions, investments, contracts or procurement or to the conduct of business with a municipality or a municipal pension system.

Political

Committee: As defined in section 1621 of the act of June 3, 1937 (PL. 1333, No. 320), known as the Pennsylvania Election Code.

Professional

Services Contract: A contract to which the municipal pension system is a party that is:

1. For the purchase or provision of professional services, including investment services, legal services, real estate services and other consulting services; and
2. not subject to a requirement that the lowest bid is accepted.

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Disclosure of Information for Professional Service Provider to Avalon Borough's Municipal Pension System

Professional Service Provider: Mockenhaupt Benefits Group

Section 4 — Disclosure:

Regarding individuals who will provide services under the contract:

Yes No

Table with 3 rows and 3 columns (Question, Yes, No) regarding individuals providing services.

Regarding your firm and Affiliated Entities:

Yes No

Table with 5 rows and 3 columns (Question, Yes, No) regarding firm and affiliated entities.

6. For the contribution(s) disclosed in your answer to No. 1 above, provide the following information: (attach additional pages if necessary):

Name and address of the contributor:

Contributor's relationship to the Contractor:

Name and office or position of each person receiving a contribution:

Amount of the contribution:

Date of the contribution:

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.

Authorized Signature (handwritten signature)

Date 3-18-14