

**REQUEST FOR PROPOSALS (RFP)
SOLICITOR**



CITY OF WILKES-BARRE:

**PAID FIREMEN'S PENSION FUND &
FIREMEN'S RELIEF PENSION FUND**

The City of Wilkes-Barre Paid Firemen's and/or Firemen's Relief Pension Fund(s) invite qualified attorneys and/or law firms, licensed in Pennsylvania, to submit proposals to provide legal services to one or both of the funds listed herein. **Proposals are due on Friday, July 21, 2017 at 4:00 p.m.**

I. BACKGROUND

The City of Wilkes-Barre Pension Plans are defined benefit pension plans. The Wilkes-Barre Aggregated Pension Trust Fund was created on September 24, 1998 by City Council Ordinance #57, establishing an aggregated pension trust fund consisting of pension fund assets of the five (5) pension funds of the City, creating a board of trustees for the management and administration of said pension trust fund and setting forth certain procedures regarding actuarial valuation and auditing of same. Individual plan background, relative to this request, is as follows:

Paid Firemen's Pension: Covers firemen hired by the City prior to July 8, 1976.

Firemen's Relief Pension: Covers firemen employed by the City subsequent to July 8, 1976.

The Board appointed Bank of New York Mellon and LPL Financial as custodians for all Plan assets. PFM was appointed by the Board as its investment consultant and Hay Group as its consulting actuary.

The City of Wilkes-Barre Paid Firemen's Pension Fund and Firemen's Relief Pension Fund (the "Funds"), are soliciting proposals from qualified attorneys and/or law firms to provide legal services to the Funds and the Funds' Board of Directors. The provisions of the Pension Plans are governed by collective bargaining agreements, municipal code, and the Pennsylvania Third Class City Code. In addition, the Funds are also subject to the provisions of Pennsylvania Act 205 of 1984. The Funds provide retirement, death, and disability benefits to the City's Fire Fighters. As of December 31, 2016, the City of Wilkes-Barre Paid Firemen's Pension Fund and Firemen's Relief Pension Fund had assets under management of \$5.9 million and \$22.7 million, respectively.

II. SPECIFICATIONS

A. Service Period

The legal services listed herein are requested until the Board(s) vote to terminate the contract or the selected proposer submits a letter of resignation to be relieved of such services.

The solicitor shall begin to serve the Board(s) when all contract documents are received and he or she has been informed by the board that the selection of a solicitor has been made.

B. Scope of Services

The successful attorney/law firm will be required to perform the following legal services for the City of Wilkes-Barre Paid Firemen's Pension Fund and/or Firemen's Relief Pension Fund:

1. Review, and as necessary, revise pension ordinances;
2. Revise and update plan documentation;
3. Update the City of Wilkes-Barre Paid Firemen's Pension Fund and/or Firemen's Relief Pension Fund Board(s) on relevant changes in law;
4. Provide general legal advice regarding the administration of the City of Wilkes-Barre Paid Firemen's Pension Fund and/or Firemen's Relief Pension Fund and Plan(s);
5. The principal attorney will be required to attend quarterly meetings of the City of Wilkes-Barre Paid Firemen's Pension Fund and/or Firemen's Relief Pension Fund Board(s);
6. Other legal services as may be required from time to time by the City of Wilkes-Barre Paid Firemen's Pension Fund and/or Firemen's Relief Pension Fund.

III. PROPOSAL

- A. Proposal should include a profile of your firm, including its relevant background and experience. Give the location of the office from which the work is to be done and the number of professional staff employed at that office. Briefly describe the range of services performed by said office.
- B. Include references regarding your firm's experience in providing legal advice for governmental entities and their pension funds. Provide three (3) references of clients who might be contacted regarding your firm's work.
- C. Provide a letter of transmittal indicating your understanding as to the scope of the work requested. This letter should include the name(s) of the person(s) who will be authorized to represent your firm.
- D. State whether the firm is local, regional, national or international.
- E. There is no expressed or implied obligation for the Board(s) to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

- F. At the discretion of the Board(s), firms submitting proposals may be requested to make oral presentations as part of the evaluation process.
- G. Provide a brief resume of each attorney and other staff assigned to perform work for the Board(s). Indicate whether each such person is registered or licensed to practice as an attorney in Pennsylvania. Provide information on the governmental legal advisory experience of each person.
- H. Lead attorney and other staff may be changed if those personnel leave the firm, are promoted or are assigned to another office. These personnel may also be changed for other reasons with the express prior written permission of the Board(s). However, in either case, the Board(s) will retain the right to approve or reject replacements.
- I. Other personnel may be changed at the discretion of the proposer provided that replacements have substantially the same or better qualifications or experience.
- J. The Board(s) reserve(s) the right to retain all proposals submitted and use any idea in a proposal regardless of whether the proposal is selected.

IV. MANDATORY DISCLOSURES

- A. Act 44 of 2009 requires that prior to entering into a professional services contract with a municipal pension system, the contractor shall submit a disclosure form meant to disclose any potential conflicts of interest. Accordingly, a copy of the Act 44 Disclosure Form is attached to this RFP as Appendix "A." Each proposal must include a completed and signed Act 44 Disclosure Form.

V. COMMUNICATIONS RESTRICTIONS

- A. Except as specifically authorized in the RFP, effective as of the RFP Opening Date and prior to the time of a decision by the Board, there shall be no communication of any type regarding this RFP, any aspect of a response to this RFP between any proposer, agent or employee of proposer, or other acting on the behalf of proposer, and any:
 - 1. officials, employees, or members of the Board(s);
 - 2. consultant or adviser currently engaged in assisting the Board(s) with the RFP process or employee or other person affiliated with or providing services to or on behalf of such consultant's staff; or
 - 3. other persons in a position to influence either Board's selection process at any time during the RFP Process in regard to this RFP, a proposal, or the awarding of the contract until the award is announced, except as requested by the Board(s) or at the time specified for oral presentations by those selected proposers appearing for interviews.

- B. FURTHER, proposers may not cause or allow any employee of their firm, or third party to directly or indirectly violate any of the aforementioned communications restrictions. Any communication by any proposer or third party on behalf of a proposer or potential proposer, in violation of the forgoing terms shall be considered grounds for **AUTOMATIC DISQUALIFICATION OF THAT PROPOSER**.

VI. Proposers may make inquiries to the Boards' contact for clarification of technical or administrative information. Answers will be given in accordance with Section IX below.

VII. COMPENSATION

- A. State the all-inclusive, annual fee, including any out-of-pocket costs, to provide the requested services to the Board(s). Also, in the event that the Board(s) would prefer to hire an attorney on an hourly basis, please describe your firm's billing rates for each professional who would be working on City of Wilkes-Barre Paid Firemen's Pension Fund and/or Firemen's Relief Pension Fund matters and any alternative fee arrangements that you provide.
- B. The fee must be neither directly or indirectly the result of any agreement with any other proposer. All proposers must complete the enclosed Non-Collusion Affidavit as part of the RFP requirements. The non-collusion affidavit is marked as Appendix "B" to this RFP.

VIII. INSURANCE

- A. The successful proposer, at the time of execution of the contact, shall furnish the City with insurance certificates of adequate limits, to protect the City of Wilkes-Barre, its agents, and employees, from any litigation involving Worker's Compensation, Public Liability and Property Damage, involved in the work. All subcontractors must also furnish copies of their liability insurance and Worker's Compensation Insurance certificates to the City. No subcontractor will be allowed to perform any work under this contract by the City unless such certificates are submitted to and approved by the City beforehand.
- B. The status of the Proposer in the work to be performed is that of any independent Proposer and as such, he shall properly safeguard against any and all injury or damage to the public, to public and private property, materials and things, and as such he alone shall be responsible for any and all damage, loss or injury to persons or property that may arise, or be incurred, in or during the conduct or progress of said work without regard to whether or not the Proposer, sub-contractors, agents, or employees have been negligent, and the Proposer shall keep the City free and discharged of and from any and all responsibility and liability therefore of any sort or kind. The Proposer shall assume all responsibility for risks or casualties of

every description, for any or all damage, loss or injury to persons or property arising out of the nature of the work from the action of the elements, or from any unforeseen or unusual difficulty, including all legal defense costs incurred by the City.

- C. The Proposer shall assume and be liable for all blame and loss of whatsoever nature by reason of neglect or violation of any Federal, State, County or Local laws, regulations, or ordinances; the Proposer shall indemnify and save harmless the City from all suits or actions at law of any kind whatsoever in connection with this work and shall if required by the City, produce evidence of settlement of any such action before final payment shall be made by the City. Proposer's Liability Insurance Certificate shall include the save harmless clause and shall be filed with the City.
- D. The Proposer shall maintain such insurance as will protect the proposer from claims under worker's compensation acts and from claims for damages because of bodily injury, including death, and property damage, which may arise from and during operations under this Contract, whether such operations be by himself, by any subcontractor or anyone directly or indirectly employed by either of them. Proposer's liability insurance shall be in the names of the Proposer and the City as their respective interests may appear. Each policy and Certificate of Insurance shall contain an endorsement naming the City of Wilkes-Barre as additionally insured. Certificates of such insurance shall be filed with the City.
- E. The Proposer shall maintain Lawyers Professional Liability Insurance during the life of the contract at the minimum amounts of \$500,000 per occurrence and \$1,000,000 aggregate.

IX. PROCEDURAL GUIDELINES

- A. Copies of the Request for Proposals are available at the City Clerk's Office of the City of Wilkes-Barre, located on the 4th Floor of Wilkes-Barre City Hall, 40 East Market Street, Wilkes-Barre, PA 18711 or by email request.
- B. Any questions concerning the Request for Proposals shall be directed to:

Brett Kittrick
Finance Officer
City of Wilkes-Barre
Phone: (570) 408-0912
E-mail: bkittrick@wilkes-barre.pa.us

E-Mail correspondence is preferred.

- C. All interested proposers should notify the Contact Person listed above that they intend on submitting a proposal and provide a valid address, email address and phone number that the Board(s) may contact the proposer in the event of changes to the RFP. This assures that any updates, amendments, or answers to questions regarding the RFP will be distributed to all interested proposers.
- D. Questions that can be answered by referring the prospective contractor to the relevant section of the RFP may be answered verbally. All other questions will be recorded by the contact person, and answers to all questions received provided to all prospective contractors who have notified the Board of their intention to submit a proposal.
- E. Amendments to or withdrawal of submitted, unopened proposals will only be allowed if requests for such changes are received prior to the deadline set for submittal of proposals. No amendments or withdrawals will be accepted after the deadline unless such amendments or withdrawals are in response to a request by the Board.

X. SCHEDULE FOR SUBMISSION, EVALUATION, AND AWARD

- A. RFP advertisement – Friday, June 30, 2017 – Friday, July 14, 2017.
- B. RFP submissions – Friday, October 21, 2016 – Monday, November 14, 2016. **Sealed proposals shall be received no later than 4:00 P.M. Friday, July 21, 2017.** Proposals should be marked “City of Wilkes-Barre Fire Pension Solicitor Proposal” and addressed to:

 James Ryan
 City Clerk
 Wilkes-Barre City Hall
 40 East Market Street, Wilkes-Barre, PA 18711
- C. **All submissions must consist of one (1) original and three (3) copies.**
- D. Detailed applicant review – July 21 – July 26, 2017.
- E. Formal selection for award of contract **may** occur at the regular meetings of the Paid Firemen’s and Firemen’s Relief Pension Funds – August 21, 2017 and August 22, 2017, respectively.
- F. Applicant notification will occur after each board meeting listed above.

XI. PROPOSAL EVALUATION

- A. Initially, proposals will be evaluated on their (1) completeness and clarity of their response, (2) the proposer’s understanding of the Boards’ needs, (3) the composition of the legal staff in relation to their professional qualifications and related experience

in advising governmental entities as they relate to the Boards, and (4) the size and structure of the firm. The Board(s) may interview all or some of the proposers to obtain additional or clarify information of submitted materials. After these considerations, proposals will then be evaluated based primarily on cost. Please note that the Board(s) may or may not award to the firm submitting the lowest cost proposal. The right is reserved to reject any or all proposals and to waive informalities and minor irregularities in proposals received. Award will be based on the proposal, which is in the best interest of the City of Wilkes-Barre Paid Firemen's and Firemen's Relief Pension Plans.

- B. The Board reserves the right to reject any and all proposals. Proposals are requested to contain the most favorable terms possible and should be complete in all aspects.
- C. An RFP Committee will review all proposals and make a recommendation to the full Board of Directors of the each Fund at their special meetings at the dates and times listed above.

XII. GENERAL INFORMATION

- A. The City of Wilkes-Barre Paid Firemen's Pension Fund and Firemen's Relief Pension Fund, as entities created by the City of Wilkes-Barre, may give preference to respondents with offices within the City of Wilkes-Barre, as well as to persons or firms that have otherwise shown a commitment to the civic and economic betterment of the City of Wilkes- Barre.
- B. Local and Minority and Women Business Enterprises: The Boards encourage participation by professionals and firms based locally and from firms that are composed of individual minority and women professionals.
- C. The Boards are committed to providing equal employment opportunity in all aspects of employment without regard to race, color, religion, gender, sexual preference/orientation, national origin, citizenship, age, or physical/mental disability.
- D. All proposals and other material submitted become the property of the Boards and may be returned only at the Boards' options. Information contained in the proposals will not be disclosed during the evaluation process. Under prevailing Pennsylvania "Right to Know" laws, public records are required to be open to reasonable inspection. All proposal information, including detailed price and cost information, will be held in confidence during the evaluation process and prior to the time a Notice of Award is issued. Thereafter, the winning proposal will become public information. Copies of said public records may be requested through the Right-to-Know Officer, located in the Office of the City Solicitor.

Trade secrets and other proprietary data contained in proposals may be held confidential if a proposer requests, in writing, that the Boards do so, and if the Boards agree that the material constitutes trade secrets or proprietary data. Material considered confidential by the Proposer must be clearly identified and the Proposer must include a brief statement that sets out the reasons for confidentiality.

Appendix "A" – Act 44 Disclosure Form

ACT 44 DISCLOSURE FORM FOR INDIVIDUALS/ENTITIES SUBMITTING PROPOSALS FOR PROFESSIONAL SERVICES TO THE CITY OF WILKES-BARRE PENSION PLANS

CHAPTER 7-A OF ACT 44 OF 2009 MANDATES the disclosure of certain information by every entity (hereinafter "**Contractor**") which is a party to a professional services contract with one of the pension funds of the City of Wilkes-Barre hereinafter the ("**Requesting Municipality**"). Act 44 disclosure requirements apply to *Contractors* who currently provide professional pension services or are submitting proposals to provide professional services and do or may receive payment of any kind from the **Requesting Municipality's** pension fund. The **Requesting Municipality** has determined that your company falls under the requirements of Act 44 and must complete this disclosure form. You are expected to submit this completed form, to the Requesting Municipality below, by **July 21, 2017, 4:00 p.m.**, along with your proposal to:

City of Wilkes-Barre Paid Firemen's and/or Firemen's Relief Pension Trust Fund Board(s)
Attn: Jim Ryan, City Clerk, Wilkes-Barre City Hall, 40 East Market Street
Wilkes-Barre, PA 18711
(570) 208-4117
iryan@wilkes-barre.pa.us

REQUIRED UPDATES:

Where noted, information in this form must be updated in writing as changes occur.

Appendix “A” – Act 44 Disclosure Form

TERM:	DEFINITION:
CONTRACTOR	Any person, company, or other entity that receives payments, fees, or any other form of compensation from a municipal pension fund in exchange for rendering professional services for the benefit of the municipal pension fund. The term “Contractor” also applies to any person, company, or other entity that is submitting a proposal to perform professional services for payment.
SUBCONTRACTOR OR ADVISOR	Anyone who is paid a fee or receives compensation from a municipal pension system – directly or indirectly from or through a Contractor.
AFFILIATED ENTITY	Any of the following: <ol style="list-style-type: none"> 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.
CONTRIBUTIONS	As defined in section 1621 of the act of June 3 rd , 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code
POLITICAL COMMITTEE	As defined in section 1621 of the act of June 3 rd , 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code
EXECUTIVE LEVEL EMPLOYEE	Any employee or person or the person’s affiliated entity who: <ol style="list-style-type: none"> 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 the conduct of business with a municipality or municipal pension system.
MUNICIPAL PENSION SYSTEM	Any qualifying pension plan, under Pennsylvania state law, for any municipality within the Commonwealth of Pennsylvania; includes the Pennsylvania Municipal Retirement System. <i>Example: the Police Pension Plan for the City of Wilkes-Barre</i>
PENSION SYSTEM AND MUNICIPAL OFFICIALS; MUNICIPAL OFFICIALS AND EMPLOYEES	Specifically , those listed on Page 3 titled: <i>“List of Pension System and Municipal Officials for the Requesting Municipality.”</i> Where applicable, includes any employee of the Requesting Municipality .

Appendix "A" – Act 44 Disclosure Form

PROFESSIONAL SERVICES CONTRACT	A contract to which the municipal pension system is a party that is: (1) for the purchase 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 be accepted.
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Appendix “A” – Act 44 Disclosure Form

List of Pension System and Municipal Officials for the Requesting Municipality

Certain requests for information in this form will refer to a “**List of Municipal Officials.**” To assist you in preparing your answers, you should consider the following names to be a complete list of pension system officials and employees and municipal officials. Throughout this Disclosure Form, the below names will be referred to as the “*List of Municipal Officials.*”

Elected Officials:

Anthony George – Mayor
Beth Gilbert – City Council Chairperson
Tony Brooks – City Council Vice-Chair
Mike Belusko – City Council Member
Mike Merritt – City Council Member
William C. Barrett – City Council Member
Darren Snyder – City Controller

Paid Firemen’s Pension Fund Officials:

Anthony George, Mayor
Theodore Wampole, City Administrator
Darren Snyder, City Controller
Nicole Ference, Human Resources Director
Jay Delaney, Fire Chief
Jack Livingston, Board Member
William Ott, Board Member

Firemen’s Relief Pension Fund Officials:

Anthony George, Mayor
Theodore Wampole, City Administrator
Brett Kittrick, Finance Officer
Darren Snyder, City Controller
Nicole Ference, Human Resources Director
Tom Cross, Board Member
Mark Lear, Board Member

Appendix "A" – Act 44 Disclosure Form

IDENTIFICATION OF CONTRACTORS & RELATED PERSONNEL

CONTRACTORS: (See “Definitions” – page 2) Any entity who currently provides service(s) or is submitting a proposal to provide services by means of a Professional Services Contract to the Municipal Pension System of the **Requesting Municipality**, please complete all of the following:

Identify the Municipal Pension System(s) for which you are providing information:

Indicate all that apply with an “X”: _____ **Non-Uniform Plan** _____ **Police Plan**

_____ **Fire Plan**

****NOTE:** For all that follow, you may answer the questions / items on a separate sheet of paper and attach it to this Disclosure if the space provided is not sufficient. Please reference each question / item you are responding to by the appropriate number. (example: REF – Item #1.)

1. Please provide the names and titles of all individuals providing or prospectively providing professional services to the **Requesting Municipality’s** pension plan(s) identified above. Also include the names and titles of any advisors and subcontractors of the Contractor who provide or may have provided professional services related to the **Requesting Municipality’s** pension plan(s) identified above, identifying them as such. After each name provide a description of the responsibilities of that person with regard to the professional services being provided or to be provided to each designated pension plan.
2. Please list the name and title of any *Affiliated Entity* and their *Executive-level Employee(s)* that require disclosure; after each name, include a brief description of their duties. (See: Definitions)
3. Are any of the individuals named in **Item 1 or Item 2** above, a current or former official or employee of the **Requesting Municipality**? **IF “YES”**, provide the name and of the person employed, their position with the municipality, and dates of employment.

Appendix “A” – Act 44 Disclosure Form

4. Are any of the individuals named in **Item 1 or Item 2** above a current or former registered Federal or State lobbyist? **IF “YES”**, provide the name of the individual, specify whether they are a state or federal lobbyist, and the date of their most recent registration /renewal.

NOTICE: All information provided for items 1- 4 above must be updated **as changes occur.**

5. Since April 11th 2013, has the **Contractor** or an **Affiliated Entity** paid compensation to or employed any third party intermediary, agent, or lobbyist that is to directly or indirectly communicate with an official or employee of the **Municipal Pension System** of the **Requesting Municipality** (OR), any municipal official or employee of the **Requesting Municipality** in connection with any transaction or investment involving the **Contractor** and the Municipal Pension System of the **Requesting Municipality**?

This question does not apply to an officer or employee of the **Contractor** who is acting within the scope of the firm’s standard professional duties on behalf of the firm, including the actual provision of legal, accounting, engineering, real estate, or other professional advice, services, or assistance pursuant to the professional services contact with municipality’s pension system.

IF “YES”, identify: (1) whom (the third party intermediary, agent, or lobbyist) was paid the compensation or employed by the **Contractor** or **Affiliated Entity**, (2) their specific duties to directly or indirectly communicate with an official or employee of the **Municipal Pension System** of the **Requesting Municipality** (OR), any municipal official or employee of the **Requesting Municipality**, (3) the official they communicated with, and (4) the dates of this service.

Appendix "A" – Act 44 Disclosure Form

6. **Since April 11th 2013**, has the *Contractor*, or any agent, officer, director or employee of the *Contractor* solicited a contribution to any municipal officer or candidate for municipal office in the **Requesting Municipality**, or to the political party or political action committee of that official or candidate? **IF "YES"**, identify the agent, officer, director or employee who made the solicitation and the municipal officials, candidates, political party or political committee who were solicited (to whom the solicitation was made).

7. **Since April 11th, 2013**, has the *Contractor* or an *Affiliated Entity* made any contributions to a municipal official or any candidate for municipal office in the **Requesting Municipality**? **IF "YES"**, provide the name and address of the person(s) making the contribution, the contributor's relationship to the Contractor, The name and office or position of the person receiving the contribution , the date of the contribution, and the amount of the contribution.

8. Does the *Contractor* or an *Affiliated Entity* have any direct financial, commercial or business relationship (other than the contract to provide professional services to the pension plan(s) of the **Requesting Municipality**) with any official identified on the *List of Municipal Officials*, of the **Requesting Municipality**? **IF "YES"**, identify the individual with whom the relationship exists and give a detailed description of that relationship.

****NOTE:** A written letter is required from the **Requesting Municipality** acknowledging the relationship and consenting to its existence. The letter must be attached to this disclosure. Contact the **Requesting Municipality** to obtain this letter and attach it to this disclosure before submission.

Appendix "A" – Act 44 Disclosure Form

9. Has the *Contractor* or an *Affiliated Entity* given any gifts having more than a nominal value to any official, employee or fiduciary – specifically, those on the *List of Municipal Officials* of the **Requesting Municipality**? **IF "YES"**, Provide the name of the person conferring the gift, the person receiving the gift, the office or position of the person receiving the gift, specify what the gift was, and the date conferred.

10. Disclosure of contributions to any political entity in the Commonwealth of Pennsylvania

Applicability: A "yes" response is required and full disclosure is required **ONLY WHEN ALL** of the following applies:

- a) The contribution was made within the last 5 years (specifically since: April 11th 2009)
- b) The contribution was made by an officer, director, executive-level employee or owner of at least 5% of the *Contractor* or *Affiliated Entity*.
- c) The amount of the contribution was at least \$500 and in the form of:
 1. A single contribution by a person in (b.) above, **OR**
 2. The aggregate of all contributions by all persons in (b.) above;
- d) The contribution was for
 1. Any candidate for any public office or any person who holds an office in the Commonwealth of Pennsylvania;
 2. The political committee of a candidate for public office or any person that holds an office in the Commonwealth of Pennsylvania.

IF "YES", provide the name and address of the person(s) making the contribution, the contributor's relationship to the *Contractor*, The name and office or position of the person receiving the contribution (or the political entity / party receiving the contribution), the date of the contribution, and the amount of the contribution.

Appendix "A" – Act 44 Disclosure Form

11. With respect to your provision of professional services to the Municipal Pension plan(s) of the **Requesting Municipality**:

Are you aware of any apparent, potential or actual conflicts of interest with respect to any officer, director or employee of the *Contractor* and officials or employees of the **Requesting Municipality**?

NOTE: If, in the future, you become aware of any apparent, potential, or actual conflict of interest, you are expected to update this **Disclosure Form** immediately in writing by:

- Providing a brief synopsis of the conflict of interest (and);
- An explanation of the steps taken to address this apparent, potential, or actual conflict of interest.

IF "YES", Provide a detailed explanation of the circumstances which provide you with a basis to conclude that an apparent, potential, or actual conflict of interest may exist.

12. To the extent that you believe that **Chapter 7-A of Act 44 of 2009** requires you to disclose any additional information beyond what has been requested above, please provide that information below or on a separate piece of paper.

Appendix "A" – Act 44 Disclosure Form

Please provide the name(s) and position(s) of the person(s) participating in the completion of this Disclosure. **One of the individuals** identified by the *Contractor* in *Item #1* above must participate in completing this Disclosure and must sign the below verification attesting to the participation of those individuals named below.

Name:

Name:

Position:

Position:

Name:

Name:

Position:

Position:

Name:

Name:

Position:

Position:

SIGNATURE _____

TITLE _____

DATE _____

Appendix "A" – Act 44 Disclosure Form

VERIFICATION

I, _____, hereby state that I am _____ for
(Name) (Position)

_____ and I am authorized to make this verification.
(Contractor)

I hereby verify that the facts set forth in the foregoing Act 44 Disclosure Form for Entities Providing Professional Services to the City of Wilkes-Barre Pension Plans are true and correct to the best of my knowledge, information and belief. I also understand that knowingly making material misstatements or omissions in this form could subject the responding Contractor to the penalties in Section 705-A(e) of Act 44.

I understand that false statements herein are made subject to the penalties of 18 P.A.C.S. § 4904 relating to unsworn falsification to authorities.

Signature: _____

Date: _____

Appendix "B" – Non-Collusion Affidavit

NON-COLLUSION AFFIDAVIT

State of: _____

County of: _____

I state that I am _____ of _____
(Title) (Company)

and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors and officers. I am the person responsible in my firm for the price(s) and the amount of this bid.

I state that:

- (1) The price(s) and amount of this bid have been arrived at independently and without consultation, communication or agreement with any other Proposer, Contractor or potential Contractor.
- (2) Neither the price(s) nor the amount of this bid, and neither the approximate price(s) nor approximate amount of this bid, have been disclosed to any other firm or person who is a Proposer or potential Proposer, and they will not be disclosed before bid opening.
- (3) No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit a bid higher than this bid, or to submit any intentionally high or noncompetitive bid or other form of complementary bid.
- (4) The bid of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or noncompetitive bid.
- (5) _____, its affiliates, subsidiaries, officers, directors and (Company Name) employees are not currently under investigation by any governmental agency and have not in the last four years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as follows:

Appendix "B" – Non-Collusion Affidavit

I state that _____ understands and acknowledges that the
(Company Name)
above representations are material and important, and will be relied on by The
Wilkes-Barre Aggregate Pension Trust Fund Board of Directors in awarding the
contract(s) for which this bid is submitted. I understand and my firm understands
that any misstatement in this affidavit is and shall be treated as fraudulent
concealment from The Aggregate Pension Trust Fund of the true facts relating to the
submission of bids for this contract.

(Print Name and Title)

(Signature as Above)

SWORN TO AND SUBSCRIBED BEFORE
ME THIS _____ DAY OF
_____,
20__

(NOTARY PUBLIC)

MY COMMISSION EXPIRES _____

Appendix “B” – Non-Collusion Affidavit

INSTRUCTIONS FOR NON-COLLUSION AFFIDAVIT

1. This Non-Collusion Affidavit is material to any contract awarded pursuant to this Bid. According to the Pennsylvania Antibid-Rigging Act, 73 P.S. § § 1611 et seq. governmental agencies may require Non-Collusion Affidavits to be submitted together with bids.
2. This Non-Collusion Affidavit must be executed by the member, officer or employee of the Proposer who makes the final decision on prices and the amount quoted in the bid.
3. Bid rigging and other efforts to restrain competition, and the making of false sworn statements in connection with the submission of bids are unlawful and may be subject to criminal prosecution. The person who signs the Affidavit should examine it carefully before signing and assure himself or herself that each statement is true and accurate, making diligent inquiry, as necessary, of all other persons employed by or associated with the Proposer with responsibilities for the preparation, approval or submission of the bid.
4. In the case of a bid submitted by a joint venture, each party to the venture must be identified in the bid documents, and an Affidavit must be submitted separately on behalf of each party.
5. The term “complementary bid” as used in the Affidavit has the meaning commonly associated with that term in the bidding process, and includes the knowing submission of bids higher than the bid of another firm, any intentionally high or noncompetitive bid, and any other form of bid submitted for the purpose of giving a false appearance of competition.
6. Failure to file an Affidavit in compliance with these instructions will result in disqualification of the bid