

1. REQUEST FOR PROPOSAL FOR POLICE PENSION PLAN LEGAL SERVICES PURSUANT TO ACT 44 OF 2009

The City of Hermitage invites qualified applicants who are members of the Pennsylvania bar to provide appropriate legal services, as outlined in this request for proposals. All proposals must be received by 4:00 p.m. on March 8, 2024 at the Office of the City Manager, 800 North Hermitage Road, Hermitage, PA 16148. Proposals may be submitted in person, sent through the mail or by email to the City Manager at ghinkson@hermitage.net. The background information and requirements for providing proposals are as follows:

A. PLAN AND SPONSOR

The City of Hermitage maintains a defined benefit arrangement subject to this proposal, related to the municipal police pension plan. The employer contributes its actuarially determined minimum funding obligation.

Distributions consist of accumulated contributions or monthly annuities. There are no hardship distributions or loans permitted.

As of December 31, 2023, the plan contained \$20,593,403.83 in assets and had 31 active participants.

The City of Hermitage is a home rule city located in Mercer County, Pennsylvania.

B. REQUESTED SERVICES (including specifications and qualifications)

The selected firm may be asked to respond to any municipal needs related to the City's pension plan including, but not limited to:

- Preparing plan documents, benefit eligibility determinations, and qualifications and calculations related thereto; and all legal issues associated with the investment of pension funds.
- Interpretations of all applicable acts or legal requirements of the plans, including but not limited to Act 205, Act 600, and Act 44; responding to benefit claims, and interfacing with Internal Revenue Service and Commonwealth of Pennsylvania pension regulatory agencies.
- Preparing all documentation of pension plans and interpreting new pension laws and providing proactive legal advice to the City.

C. PROCEDURES TO COMPETE FOR CONTRACT

The Board of Commissioners of the City of Hermitage and the Police Pension Committee are responsible for the selection process. The procedures for receiving and evaluating applicants to determine the most qualified include a review of the applicant's qualifications, experience, expertise, and fees, as well as completion of the required disclosures. Note that while fees are a consideration, the work will not necessarily be awarded to the lowest cost applicant but shall be awarded to the most qualified. Upon review, the City may request additional information from each, some, or all applicants or request to interview each, some, or all applicants. The City retains the right to reject any proposal at the outset of the process where requested information has been omitted or where the application is submitted after the deadline. If the City is not satisfied with the proposals received, the City may place a second advertisement with any appropriate revisions or cancel the solicitation of services.

Upon award of the contract, within 10 days, the City shall provide the unsuccessful applicants with a copy of the successful application (minus protected information), disclosure forms and a summary of the relevant evaluation factors considered. This information shall be posted and displayed as required.

Applicants shall provide any pertinent information supporting the basis for why they should be selected as pension counsel. At the very least, applicants should reply to or answer the following requirements or questions:

1. Please document your experience related to the above matters over the last five years. Please specify how many Pennsylvania local government plan documents you have written in the last five years.
2. To how many Pennsylvania local government pension arrangements do you provide legal advice? Please list three references, including contact information.
3. How many Act 600 pension plans do you provide legal advice to?
4. How many Pennsylvania local government pension plans have you updated with the requisite Internal Revenue Code language in the last three years?
5. What experience do you have concerning Pennsylvania local government pension plan fiduciary matters?
6. Describe your experience concerning Pennsylvania local government investment policy statements and investment manager contracts.
7. What percentage of the work performed by your firm is for Pennsylvania local government pension arrangements?
8. What is the rate schedule to be utilized to perform the above work?

D. FIRM DESCRIPTION

Provide general details on your firm including location, number of clients, number of governmental plans for which you provide services and employees and total services offered. Also, confirm whether you carry professional malpractice coverage and the amount of coverage carried.

E. INDIVIDUALS PROVIDING SERVICES

Please list the individuals who will be providing services to the Plan. A brief biographical summary of each should at a minimum include the individual's title, professional designations, and number of years of experience in the specified field. Also, the responsibilities for providing services assigned to the individuals should be listed.

F. DISCLOSURE

Please provide all disclosures

1. List the names and titles of each individual who will be providing professional services relative to this contract, including advisors and subcontractors.
2. Relative to question 1 above, describe the following:
 - a) Are any of the above current or former officials or employees of the City of Hermitage? If so, when were they last employed by the City of Hermitage?
 - b) Are any of the above a registered federal or state lobbyist?
 - c) What are the responsibilities of each individual with regard to the proposed services?

3. Have you in the last year, or do you now, retain a third-party intermediary, agent, or lobbyist to communicate with the City of Hermitage directly or indirectly? If so, please describe.
4. Has your firm, or anyone in your firm, solicited a contribution to any municipal office in the City of Hermitage or to the political party or political actions committee of an official at the City of Hermitage or candidate for elected office at the City of Hermitage?
5. Confirm that no one at your firm (after September 10, 2021) will communicate with (or cause or agree to allow a third party to) officials or employees of the City of Hermitage except for requests for technical clarification, which should be directed to Gary Hinkson, City Manager.
6. List all contributions made by your firm or an affiliated entity to a municipal official or candidate for office in the City of Hermitage made on or after December 17, 2009. An affiliated entity means:
 - a) A subsidiary or holding company of a lobbying firm or other business entity owned in whole or in part by a lobbying firm.
 - b) 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. S501(c)) established by a lobbyist or lobbying firm or an affiliated entity.
7. List any direct financial, commercial, or business relationship with any municipal official or pension system of the City of Hermitage held by your firm or any affiliated entity.
8. List any gift including money, services, loan, travel, lodging, entertainment, discount or other thing of value, to any official, employee of the City of Hermitage or a fiduciary of its pension plan.
9. Confirm that no one at your firm or an affiliated entity was employed by the City of Hermitage in the last 12 months.
10. List any other disclosures as required by Act 44 of 2009.

The successful applicant will be required to file Act 44 disclosure forms upon being appointed.