

## MEMORANDUM

TO: Retirement Boards  
FROM: Joseph E. Connarton, Executive Director  
RE: Procurement Certification  
DATE: January 30, 2013

Massachusetts General Law Chapter 32, Section 23B of the General Laws sets forth the process by which retirement boards are to "...contract for the procurement of investment, actuarial, legal and accounting services." That section details the process, contractual provisions and certifications required when a retirement board is seeking and contracting for these services. It should be noted that board members, in performing this and other functions, must also meet their fiduciary duty as established by law.

In addition to general guidelines applicable to all the subject areas noted, Section 23B addresses a number of specific issues with respect to "investment service providers". PERAC has provided guidance on those matters in previous memos.

The purpose of this memo is to remind retirement boards that certain certifications are required under Section 23B for all the subject procurement areas noted above. These are found in the following language of the statute:

(3) A person submitting a proposal for the procurement or disposal of services to a retirement board shall certify in writing on the proposal as follows:

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean a natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

\_\_\_\_\_  
(Signature of individual submitting bid or proposal)

\_\_\_\_\_  
(Name of business)



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(4) Each retirement board member shall certify to the commission in writing with respect to a procurement subject to this section, as follows:

The undersigned certifies under penalties of perjury that, to the best of the member's knowledge and belief, this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

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(Signature of individual retirement board member)

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(Name of retirement board)

Forms to be used for these filings can be found on the PERAC Web Page under "Investment Forms" – "Vendor Forms" – "Vendor Certification of Good Faith Proposal" (The form itself is titled "Vendor Certification"); and "Retirement Board Forms" – "Retirement Board Member Certification" (The form itself is also titled "Retirement Board Member Certification").

We hope that this reminder will assist you in complying with the procurement law.