



RFI 23-001 Questions and Answers

I. Re: Minimum Required Vendor Qualifications

- **VI. Vendor must agree to Treasury's Standard Contract Terms and Conditions, and Information Technology Security Addendum.**
- **[Redacted Respondent] Questions:**
 - May we leverage our existing contract? [redacted]
- **Treasury's Response:**
 - Potential respondents may leverage any existing contract they may have with Treasury to facilitate negotiations on contracting terms, including Treasury's Standard Contract Terms and Conditions, and Information Technology Security Addendum.

II. Re: POLITICAL CONTRIBUTIONS: A vendor responding to this RFI shall disclose all campaign contributions (as defined by the Pennsylvania Election Code 25 P.S. § 3241) made within the last five years by an officer, director, executive-level employee, or owner of at least 5% of the vendor, that is in excess of \$250, in the aggregate, to a candidate for public office in this Commonwealth.

Such disclosure shall include the contributor's name, address, relationship to the applicant or affiliated entity, amount, and date.

- **[Potential Respondent] Question:**
 - Could Pennsylvania Treasury please provide additional clarification regarding the definitions in the Pennsylvania Election Code 25 P.S. § 3241?
- **Treasury's Response:**
 - Enclosed is Section 3241 of the PA election code related to definitions as found on Lexis. Treasury cannot provide legal advice. I would suggest you contact your own counsel if you have questions regarding interpreting this law.

III. The RFI mentions that *"Treasury is also engaged with ISS to provide Russia/Belarus monitoring for compliance with Act 132 under a contract ending December 31, 2024,"* with a link to the contract doc in the RFI. The RFI also notes that desired contract start date would be approximately around Jan 1, 2024. Wanted to ask – would this ISS contract be continued for the full duration alongside any new contract or would that be terminated early?

- **Treasury response:**
 - Treasury has no intention of terminating its contract with ISS for Russia/Belarus services that expires December 31, 2024. Potential respondents should draft their submissions under the expectation that Iran and optional Sudan services would begin on or around January 1, 2024, and Russia/Belarus services would begin on or around January 1, 2025. Potential respondents may also include a brief transition period so that the firm is prepared to provide first set of deliverables, i.e., Iran scrutinized lists on January 15, 2024, and Russia/Belarus scrutinized lists on January 15, 2025.

[25 P.S. § 3241](#)

Pa.C.S. documents are current through 2023 Regular Session Act 1; P.S. documents are current through 2023 Regular Session Act 1

Pennsylvania Statutes, Annotated by LexisNexis® > Pennsylvania Statutes (§§ 1 — 2710) > Title 25. Elections & Electoral Districts (Chs. 1 — 17) > Chapter 14. Election Code (§§ 2600 — 3591) > Article XVI. Primary and Election Expenses (§§ 3221 — 3260b)

§ 3241. Definitions

As used in this article, the following words have the following meanings:

(a) The word “CANDIDATE” shall mean any individual who seeks nomination or election to public office, other than a judge of elections or inspector of elections, whether or not such individual is nominated or elected. For the purpose of this article, an individual shall be deemed to be seeking nomination or election to such office if he has:

(1) Received a contribution or made an expenditure or has given his consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his nomination or election to such office, whether or not the individual has made known the specific office for which he or she will seek nomination or election at the time the contribution is received or the expenditure is made; or

(2) Taken the action necessary under the laws of the Commonwealth to qualify himself for nomination or election to such office.

(b) The word “CONTRIBUTION” shall mean any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing, to a candidate or political committee made for the purpose of influencing any election in this Commonwealth or for paying debts incurred by or for a candidate or committee before or after any election.

“Contribution” shall also include the purchase of tickets for events such as dinners, luncheons, rallies and all other fund-raising events; the granting of discounts or rebates not available to the general public; or the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and any payments provided for the benefit of any candidate, including any payments for the services of any person serving as an agent of a candidate or committee by a person other than the candidate or committee or a person whose expenditures the candidate or committee must report under this act. The word “contribution” includes any receipt or use of anything of value received by a political committee from another political committee and also includes any return on investments by a political committee.

(c) The word “ELECTION” shall mean any retention, primary, special, municipal or general election at which candidates appear on the ballot for nomination or election or at which questions are to be voted on by the electors of this Commonwealth.

(d) The word “EXPENDITURE” shall mean:

(1) the payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of an election;

(2) the payment, distribution, loan, advance or transfer of money or other valuable thing between or among political committees;

(3) the providing of a service or other valuable thing for the purpose of influencing the outcome of a nomination or election of any person to any public office to be voted for in this Commonwealth; or

25 P.S. § 3241

(4) the payment or providing of money or other valuable thing by any person other than a candidate or political committee, to compensate any person for services rendered to a candidate or political committee.

(e) The words "INDEPENDENT EXPENDITURE" shall mean an expenditure by a person made for the purpose of influencing an election without cooperation or consultation with any candidate or any political committee authorized by that candidate and which is not made in concert with or at the request or suggestion of any candidate or political committee or agent thereof.

(f) The word "LOBBYIST" shall mean any person who is registered pursuant to the provisions of the act of September 30, 1961 (P.L. 1778, No. 712), known as the "Lobbying Registration and Regulation Act."

(g) The word "PLEDGE" shall mean any written contract, promise or agreement to contribute personally money or anything of value.

(h) The words "POLITICAL COMMITTEE" shall mean any committee, club, association or other group of persons which receives contributions or makes expenditures.

(i) The words "PROSECUTORIAL OFFICER" shall mean the attorney general of this Commonwealth or the district attorneys of the respective counties.

(j) The word "SUPERVISOR" shall mean the Secretary of the Commonwealth or the respective county boards of elections.

(k) The words "VALUABLE THING" shall mean all securities, goods, facilities, equipment, supplies, personnel, advertising, services, membership lists commonly offered or used commercially or other in-kind contributions provided without compensation, or at compensation which is below the usual and normal compensation for the items. The dollar value of a contribution of a valuable thing is the difference between the usual and normal charge for goods or services at the time of the contribution and the amount charged the candidate or political committee.

Any of the categories hereinafter excluded from the definition of "valuable thing" shall not be deemed a contribution or expenditure for purposes of reporting or record keeping. The words "valuable thing" shall not include such de minimus items as the following:

(1) Voluntary personal services provided by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee.

(2) The operation of a motor vehicle owned or leased by a candidate or a member of his immediate family or for consumption of food or beverages by a candidate or his immediate family.

(3) The use of real or personal property, including a community room or a church used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food and beverages voluntarily provided by an individual to any candidate in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate related activities, to the extent that the cumulative value of such invitations, food and beverages provided by such individual on behalf of any single candidate does not exceed two hundred fifty dollars (\$ 250), with respect to any single election.

(4) The sale of any food or beverage by a vendor other than a corporation or unincorporated association for use in any candidate's campaign at a charge less than the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor to the extent that the cumulative value of such reduced charge by such vendor on behalf of any single candidate does not exceed two hundred fifty dollars (\$ 250) with respect to any single election.

(5) Any unreimbursed payment for travel expenses made by any individual on behalf of any candidate to the extent that the cumulative value of such travel activity by such individual on behalf of any single candidate does not exceed two hundred fifty dollars (\$ 250) with respect to any single election.

(6) The use of the personal residence or the business or office space of the candidate other than a corporation or unincorporated association and the use of personal property owned or leased by the candidate:

Provided, however, That the cumulative value of the use of such personal property does not exceed one thousand dollars (\$ 1,000) with respect to any single election.

(7) The use of the personal residence or the business or office space of any volunteer, other than a corporation or unincorporated association, and the use of personal property owned or leased by a volunteer: Provided, however, That the cumulative value of the use of such personal property does not exceed two hundred fifty dollars (\$ 250) with respect to any single election. Nothing in this section shall be construed to permit any matter prohibited in sections 1633 and

1843.

(l) The words “POLITICAL ACTION COMMITTEE” shall mean any political committee as defined in subsection (h) which receives contributions and makes expenditures to, or on behalf of, any candidate other than a candidate’s own authorized political committees or the political committees of any State, county, city, borough, township, ward or other regularly constituted party committee of any political party or political body.

(m) The words “CANDIDATE’S POLITICAL COMMITTEE” shall mean any political committee formed on behalf of a specified candidate and authorized by said candidate.

History

Act 1978-171 (H.B. 404), P.L. 893, § 2, approved Oct. 4, 1978, eff. Jan. 1, 1979; Act 1979-63 (S.B. 208), P.L. 189, §§ 7, 8, approved July 21, 1979, eff. immediately; Act 1980-127 (S.B. 543), P.L. 591, § 6, approved July 11, 1980, eff. immediately.

Annotations

LexisNexis® Notes

Notes

Editor’s Notes.—

Section 9 of act 1978-171 provides that “[t]his act shall be applicable to campaign financing for all elections thereafter.”

Case Notes

Governments: Local Governments: Elections

Governments: State & Territorial Governments: Elections

Governments: Local Governments: Elections

25 P.S. § 3241

After conducting a requested audit pursuant to [25 P.S. § 3256](#), the trial court properly found that the campaign expense reports of the Republican Party nominee for the office of District Justice in the Borough of West Chester were not false in any substantial manner because (1) the Pennsylvania Election Code did not require a candidate for the position of District Justice to open a campaign committee where the candidate received and spent less than \$ 250 on the campaign, and (2) there was no prohibition in the Election Code and, in fact, the Election Code specifically permitted a local committee to raise and spend money to elect endorsed candidates. [Scott v. Wilkinson, 863 A.2d 62, 2004 Pa. Commw. LEXIS 870 \(Pa. Commw. Ct. 2004\)](#).

Governments: State & Territorial Governments: Elections

Trial court properly dismissed a petition filed by seven electors to audit the campaign finance reports of a candidate for a magisterial district court judge seat since the trial court was correct in concluding that the omission of expenses for 38 campaign advertisements run in a newspaper were not substantial or wilful violations of the Election Code that called for an audit. [In re Petition to Audit Campaign Fin. Reports of Cartwright, 900 A.2d 448, 2006 Pa. Commw. LEXIS 272 \(Pa. Commw. Ct. 2006\)](#).

Reviewing court upheld denial of a motion to quash a rule for an audit of a campaign committee's finances pursuant to the Campaign Expense Reporting Act, [25 P.S. § 3241](#) et seq., where good cause was found to have supported issuance of the rule. [In re Petition of Electors of Armstrong County, 58 Pa. Commw. 200, 427 A.2d 330, 1981 Pa. Commw. LEXIS 1361 \(Pa. Commw. Ct. 1981\)](#).

Notes to Unpublished Decisions

Unpublished decision: In a *Pa. R. App. P. 1925(b)* opinion, a trial court recommended that its judgment finding a city did not have the authority to adopt its own campaign finance ordinance be affirmed because, under Pa. Const. art. XV, § 1, a city could exercise the powers and authority of local self-government subject to such restrictions as might be imposed by the legislature, and, as the legislature chose to adopt comprehensive legislation in the area of campaign finances, in [25 P.S. § 3246](#), the city's ordinance was preempted. [Nutter v. Dougherty, 2007 Phila. Ct. Com. Pl. LEXIS 101 \(Pa. C.P. Jan. 29, 2007\)](#), aff'd in part and rev'd in part, [921 A.2d 44, 2007 Pa. Commw. LEXIS 132 \(Pa. Commw. Ct. 2007\)](#).

Unpublished decision: In a *Pa. R. App. P. 1925(b)* opinion, a trial court recommended that its judgment finding a city did not have the authority to adopt its own campaign finance ordinance be affirmed because, under Pa. Const. art. XV, § 1, a city could exercise the powers and authority of local self-government subject to such restrictions as might be imposed by the legislature, and, as the legislature chose to adopt comprehensive legislation in the area of campaign finances, in [25 P.S. § 3246](#), the city's ordinance was preempted. [Nutter v. Dougherty, 2007 Phila. Ct. Com. Pl. LEXIS 101 \(Pa. C.P. Jan. 29, 2007\)](#), aff'd in part and rev'd in part, [921 A.2d 44, 2007 Pa. Commw. LEXIS 132 \(Pa. Commw. Ct. 2007\)](#).

Research References & Practice Aids

PENNSYLVANIA ADMINISTRATIVE CODE REFERENCES.

[51 Pa. Code § 51.1](#) (2011), PART LOBBYING DISCLOSURE.

[51 Pa. Code § 57.2](#) (2011), PART LOBBYING DISCLOSURE.

TREATISES AND ANALYTICAL MATERIALS

[22 P.L.E. ELECTIONS § 142](#), Pennsylvania Law Encyclopedia, Contributions and Expenses, Copyright 2013, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

25 P.S. § 3241

[22 P.L.E. ELECTIONS § 143](#), Pennsylvania Law Encyclopedia, — Audit of Campaign Finance Reports, Copyright 2013, Matthew Bender & Company, Inc., a member of the LexisNexis Group.

Pennsylvania Statutes, Annotated by LexisNexis®
Copyright © 2023 All rights reserved.

End of Document