

## WRITTEN CONTRACT

There must be a written contract between a professional fundraising counsel and a charitable organization which must be signed by two authorized officials of the charitable organization, one of whom must be a member of the organization's governing body, and the authorized contracting officer for the professional fundraising counsel. Any addendum to a contract not specifically referenced in the contract must also contain the necessary signatures.

The professional fundraising counsel is responsible for filing with the Bureau a copy of the written contract and any contract extensions at least ten working days prior to the performance by the professional fundraising counsel of any services with respect to the charitable organization's soliciting contributions from Pennsylvania residents. **No solicitations or services pursuant to the contract shall begin before the Bureau has approved the contract. In order for the contract to be approved, it must contain all of the following provisions:**

(1) The legal name and address of the charitable organization as registered with the Bureau unless that charitable organization is exempt from registration.

(2) A statement of the charitable purpose for which the solicitation campaign is being conducted. In other words, describe how the contributions will be used. This may include a description of the charitable organization's stated mission or purpose if the contributions are to be used for the overall charitable purposes of the organization.

(3) A statement of the respective obligations of the professional fundraising counsel and the charitable organization.

(4) A clear statement of the fees which will be paid to the professional fundraising counsel.

(5) The effective and termination dates of the contract. **If the contract does not have a set termination date, the contract must contain a clause allowing either party a reasonable period to terminate the contract or notify the other party if either party chooses not to renew.** The contract shall also contain the date professional fundraising counsel services are to commence with respect to the charitable organization's solicitation of contributions in Pennsylvania. Dates must include the month, day, and year. The effective date of the contract will be considered the date services are to commence if a separate date is not provided which specifically states when services are to commence. A contract which is not able to be approved is not considered filed. Therefore, you may need to amend the date services are to commence for any contract not able to be approved since the contract must be re-filed at least ten working days prior to any services. **Please note that it is acceptable to state in the contract that the date services are to commence with respect to the solicitation of contributions in Pennsylvania is the date the contract is approved by the Bureau of Charitable Organizations or the effective date of the contract, whichever is later.**

(6) A statement that the professional fundraising counsel will not at any time have custody or control of contributions. Since it is possible to control contributions even though a person does not have custody of contributions, please be sure to include that you do not at any time control contributions.

(7) A statement that the charitable organization exercises control and approval over the content and volume of any solicitation.

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