

WRITTEN CONTRACT

There must be a written contract between a professional solicitor 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 solicitor. Any addendum to a contract not specifically referenced in the contract must also contain the necessary signatures.

The professional solicitor is responsible for filing with the Bureau a copy of the written contract and a solicitation notice no less than ten working days prior to the commencement of any solicitations, or services. No solicitation or services with respect to soliciting contributions from Pennsylvania residents may begin before the Bureau has approved the contract and solicitation notice. A contract cannot be approved unless the charitable organization is either registered or exempt from registration. 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 purposes 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 and not for a specific program or purpose.

(3) A statement of the respective obligations of the professional solicitor and the charity.

(4) A statement of the guaranteed minimum percentage of the total gross contributions which will be remitted to or retained by the charitable organization or if the solicitation involves the sale of goods, services or tickets to a fund-raising event, the percentage of the purchase price which will be remitted to the charitable organization. Any stated percentage shall exclude any amount which the charitable organization is to pay as fund-raising costs. For contracts which contain more than one percentage being received by the charitable organization, the contract must contain one overall guaranteed minimum percentage which is based on all the contributions to be received under the contract. The percentage must be based on the total gross contributions from all sources and not just on the gross contributions received from Pennsylvania residents.

(5) A statement of the percentage of the total gross contributions which the professional solicitor will be compensated. The stated percentage shall include any amount which the professional solicitor is to be reimbursed as payment for fund-raising costs. If the compensation of the professional solicitor is not contingent upon the amount of contributions received, his or her compensation shall be expressed as a reasonable estimate of the percentage of the gross contributions, and the contract shall clearly disclose the assumptions upon which the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to the professional solicitor regarding the solicitation to be conducted by the professional solicitor. For contracts which contain more than one percentage being received by the professional solicitor, the contract must contain one overall percentage which is based on all the contributions to be received under the contract. The percentage must be based on the total gross contributions from all sources and not just on the gross contributions received from Pennsylvania residents.

(6) 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 must also contain the date solicitation activity is to commence within Pennsylvania. Dates must include the month, day, and year. The effective date of the contract will be considered the date solicitation activity is to commence in Pennsylvania if a separate date is not provided which specifically states when solicitations are to commence in Pennsylvania. A contract which is not able to be approved is not considered filed. Therefore, you may need to amend the date solicitations 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 solicitations or services. Any amendments to a contract will require the contract to be re-signed by the required individuals. **Please note that it is acceptable to state in the contract that the date solicitations commence 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.**

Visit our Web site at: www.dos.pa.gov/charities