



Board Report 19-35

Date: December 10, 2019
To: Board
From: Staff
Subject: Consulting Services Contracts

Board of Deferred Compensation Administration

John R. Mumma
Chairperson

Thomas Moutes
Vice-Chairperson

Raymond Ciranna
First Provisional Chair

Robert Schoonover
Second Provisional Chair

Wendy G. Macy
Third Provisional Chair

Joshua Geller
Hovhannes Gendjian
Lita Payne

Recommendation:

That the Board of Deferred Compensation Administration (Board):

- (a) Approve (i) extending the term of Contract No. C-127171 with Mercer Investment Consulting, Inc. and Mercer (US) Inc. (Mercer) for investment consulting services by one additional year from July 1, 2020 through June 30, 2021 for a total six-year term and (ii) increasing the maximum compensation limit by \$330,000 from \$649,000 to \$1,095,500;
- (b) Direct staff to prepare a report to City Council recommending extending Contract No. C-127171 for one additional year and authorize the Board Chairperson and Vice-Chairperson to sign and submit the report;
- (c) Approve and authorize the issuance of the draft RFP for Plan Administration and Communications consulting services; and
- (d) Adopt a Pledge Form Regarding Conflict of Interest, Confidentiality, and Proposer Communications for execution by all Board members and DCP staff involved in the development process for this procurement.

Discussion:

A. Background

This report provides the Board with an update of and proposed procurement action plan for its two contracts for Deferred Compensation Plan (DCP) consulting services: (a) DCP administration and communications and (b) investment consulting. Following is a summary of the Board's actions to date regarding both contracts:

- On **December 5, 2014**, the Board authorized the release of a Request for Proposals (RFP) for DCP administration, communications, and investment consulting services.

- On **May 8, 2015**, the Board selected Mercer to provide investment and communications consulting services and Segal Consulting (Segal) to provide DCP administration and communications consulting services. Contracts with each vendor were executed for three-year terms for the period July 1, 2015 through June 30, 2018.
- On **March 20, 2018**, the Board approved: (a) extending the term of Contract No. C-127171 with Mercer by two additional years from July 1, 2018 through June 30, 2020 for a total five-year term and increasing the maximum compensation limit by \$379,000 for years four and five of the contract term, for a total five-year contract ceiling amount of \$649,000; and, (b) extending the term of Contract No. C-127274 with Segal by two additional years from July 1, 2018 through June 30, 2020 for a total five-year term, with no increase in the contract ceiling amount.

Under Los Angeles Administrative Code (LAAC) Division 10, Chapter 1, Section 10.5, the Board is authorized to enter into contracts with service providers for the DCP for terms of up to five years without City Council approval. Extending a contract beyond five years requires the approval of the City Council in accordance with LAAC Division 10, Chapter 1, Section 10.5.

B. Mercer Contract for Investment Consulting Services

Mercer provides three primary categories of services under its contract: (1) ongoing investment performance monitoring and reporting at a fixed annual cost of \$82,000; (2) ad hoc miscellaneous research and other assignments billed at hourly rates; and (3) investment manager searches which range in cost depending upon whether they are passive manager mutual fund searches, active manager mutual fund searches, or RFPs for contracted investment managers.

The DCP's investment providers are reviewed on a five-year timeline, with the current cycle concluding in 2020 for most of the providers. On October 16, 2018, the Board adopted recommendations from the Investments Committee concerning fund search types and search criteria to be applied to each investment mandate. Further, on July 16, 2019, the Board approved expanding combined institutional manager procurement and mutual fund search processes for virtually all DCP investment mandates. **Attachment A** provides an overview of the status of the five-year cycles for each investment mandate.

With a large number of investment mandate five-year cycles ending in 2020, manager searches must occur within the next 12 months in accordance with the Board-adopted Investment Policy Statement (IPS). The IPS generally requires that investment manager searches occur once every five years according to a specific schedule adopted by the Board. The DCP relies on Mercer's database of investment funds and for Mercer to apply the Board's search criteria to the available funds. After the search criteria is applied, Mercer provides the DCP Investments Committee with a shortlist of funds that meet the DCP's needs. The Investments Committee then reviews the shortlist for each of the mandates with Mercer and DCP staff, typically over the course of several meetings. The Committee will make recommendations to the full Board as to which investment managers to select.

The upcoming searches will be more involved compared to the prior search cycle due to the Board’s action at its July 16, 2019, meeting in which the investment mandate search was widened to include institutional products for all bond and equity mandates. A change in investment consultants could create challenges and/or delays in the investment manager search process in the event a service provider other than Mercer is selected, as the current process relies heavily on the use of Mercer’s proprietary search services. Accordingly, it is recommended that the term of the Mercer contract be extended one additional year to ensure the most efficient and timely completion of the investment provider search processes currently underway.

From July 2018 through October 2019, Mercer’s investment consulting services costs have totaled approximately \$276,053. Substantial additional expenditures are anticipated as the search processes are launched in 2020. **Attachment B** provides an overview of the investment manager search breakdown with low- and high-end cost estimates. In preparing its recommendations for increasing the contract ceiling amount, staff utilized the high-end cost estimate to ensure that a subsequent contract amendment would not be necessary. If actual costs are lower than the higher-end cost estimates, the DCP will incur no more than the actual costs. Upon the Board’s recommendation to extend the term of the Mercer contract, staff will prepare the necessary reports to the Mayor’s Office for Council approval. The tables below provide a review of expenditures incurred to date, anticipated expenses through June 30, 2021, and identification of the shortfall amount upon which the recommended increase in contract ceiling amount is based.

Contract	Contract Term Dates	Board-Approved Ceiling Amount	Expended Amount (Through October 2019)	Ceiling Threshold Available
Original 3-Year Contract	July 1, 2015 – June 30, 2018	\$270,000	\$295,564	(\$25,564)
2-Year Extension	July 1, 2018 – June 30, 2020	\$379,000	\$276,054	\$102,946
Total		\$649,000	\$571,618	\$77,382

Anticipated Expenses November 1, 2019 Through June 30, 2021		Cost
Ongoing Investment Performance Monitoring and Reporting (Flat Fee of \$82,000 per year)		\$143,500
Ad Hoc Research/Reporting		\$15,000
Investment Manager Searches		\$248,000
	Total	\$406,500
	Ceiling threshold available	-\$77,382
	Shortfall	\$329,118
	Requested Contract Ceiling Amount Increase	\$330,000

In order to address the contract term and ceiling amount, staff recommends that the Board (a) approve (i) extending the term of Contract No. C-127171 with Mercer Investment Consulting, Inc. and Mercer (US) Inc. (Mercer) for investment consulting services by one additional year from July 1, 2020 through June 30, 2021 for a total six-year term and (ii) increasing the maximum compensation limit by \$330,000 from \$649,000 to \$1,095,500; and (b) direct staff to prepare a report to City Council recommending extending Contract No. C-127171 for one additional year and authorize the Board Chairperson and Vice-Chairperson to sign and submit the report. Staff will notify the Board once the contract extension item is scheduled for review by the Personnel and Animal Welfare (PAW) Committee and full City City Council. The Board Chairperson and/or Vice-Chairperson typically accompany staff in presenting the report to the PAW Committee.

C. Segal Contract

The current term of the contract with Segal will be ending on June 30, 2020. Segal currently provides a range of DCP administration, regulatory review, and communications consulting services. Staff proposes issuing an RFP for these services, which will specifically include:

Plan Administration Consulting Services	Communications Consulting Services
<ul style="list-style-type: none"> • Program/Plan Design and Administration • Regulatory Guidance • Plan Procurement and Contract Development for administrative, auditing, and other plan services • Benchmarking • Training Services • Regulatory/Technical Guidance • Cybersecurity Policy and Practice 	<ul style="list-style-type: none"> • Marketing and education campaigns and strategies • DCP communication and engagement materials • DCP website design and functionality • Participant assessments, focus groups, and surveys

This RFP incorporates the DCP best practices for procurement processes, including the following:

- **Plan Profile & Scope of Services** – The Plan Profile and Scope of Services provides detailed information to the proposer community regarding the City’s program and service requirements;
- **Written Questionnaire** – The written questionnaire requests information in narrative and data driven formats and represents the most substantial portion of the inquiries and means by which the City will compare and assess, qualitatively and quantitatively, each proposer’s services and capabilities; and
- **Engagement Exercise** – Engagement exercises are a best practice innovation utilized by the DCP in most of its RFPs. The engagement exercise is a uniquely scored component

of the RFP evaluation. It is an interactive exercise between the proposer and the rating panel in which the proposer participates in a dialogue with the rating panel regarding a specific objective, administrative challenge, and/or policy initiative included within the Scope of Services of the RFP. The engagement exercise provides the rating panel the ability to assess the proposer's personnel, approach to services, and skills for addressing actual work assignments.

Primary evaluation and item categories are included in the RFP document. The proposed rating panel for this RFP includes a minimum of two DCP staff members. The rating panel is charged with evaluating, scoring, and summarizing all of the proposals and engagement exercise results. Upon completion of its review and analysis, the rating panel will present a report to the Board with findings and a recommendation for selection. At that point, the Board will have the option to interview the highest-scoring firm or firms or proceed directly to making its selection. While the RFP provides the Board discretion to choose which firm(s) it may interview, the document makes clear that the evaluation and scoring will be based strictly on the written proposer responses to the RFP and the scoring of the engagement exercise by the rating panel.

Additional edits and final modifications may be made to the current draft RFP pending review by the City Attorney and the Personnel Department's internal procurement specialists. With this qualification, staff recommends that the Board approve and authorize the issuance of the draft RFP for Plan Administration and Communications consulting services as provided in **Attachment C**.

Pledge Form Regarding Conflict of Interest, Confidentiality, and Proposer Communications

The DCP's objective is to ensure that procurement processes and contract decision-making are conducted strictly and solely in the best interests of DCP participants and their beneficiaries. DCP procurement processes are frequently of keen interest to the vendor community and may be highly competitive. To help protect the integrity and transparency of the decision-making process, staff recommends that the Board adopt a Pledge Form Regarding Conflict of Interest, Confidentiality, and Proposer Communications (**Attachment D**), for execution by all Board members and DCP staff involved in the development process for this procurement.

Relative to contacts with potential proposers, it should be noted that contacts and conversations may occur at events such as conferences or similar events and these would not be considered prohibited so long as there is no discussion around marketing the proposer's services or the DCP's procurement process. In general, however, once an RFP window has opened, it is advisable for Board and staff members to avoid non-public conversations or other communications wherever possible, even if the subject matter is unrelated to an upcoming procurement, as such communications may present the appearance or suggestion of a prohibited discussion.

The Board has had prior discussions regarding potential improvements to the process of collecting procurement Pledge Forms or options to collecting them. This is a topic that can be

addressed as part of a fuller review of the Board’s bylaws which staff will propose for the project calendar for 2020, to be presented at the Board’s January 2020 meeting.

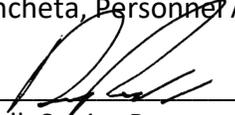
Benefits Plan Administration and Communications Consulting RFP Schedule

The following project plan summary provides the proposed timeline for the development, issuance, review, and decision-making in the RFP for plan administration and communications consulting services:

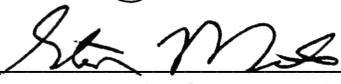
Month(s)	Action	Status
December 2019	Board review of RFP	Scheduled for the December 10, 2019, Board meeting
January 2020	Release RFP	Upcoming
February 2020	RFP responses due	Upcoming
March – April 2020	Review and scoring of proposals	Upcoming
May 2020	Board consideration of rating panel’s recommendation	Upcoming

The proposed schedule will provide sufficient time for the Board to consider the rating panel’s recommendation and for staff to onboard a new consultant, if required, in the summer/fall of 2020 prior to services beginning on January 1, 2021.

Submitted by: 
 Anna Ancheta, Personnel Analyst

Reviewed by: 
 Daniel Powell, Senior Personnel Analyst I

Reviewed by: 
 Jenny M. Yau, Senior Management Analyst II

Approved by: 
 Steven Montagna, Chief Personnel Analyst

Investment Manager Schedule

Investment Mandate and Incumbent Manager	2014				2015				2016				2017				2018				2019				2020				2021				2022				2023				2024				2025			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4				
DCP FDIC-Insured Savings Account																																																
FDIC-Insured Savings Account (33%) Bank of the West*																				Bank of the West October 1, 2019 - September 30, 2024																												
FDIC-Insured Savings Account (33%) East West Bank*																				East West Bank October 1, 2019 - September 30, 2024																												
FDIC-Insured Savings Account (33%) Union Bank*																				Union Bank April 1, 2020 - March 31, 2025																												
DCP Stable Value Fund																																																
Stable Value Fund (100%) Galliard Capital Management*																				Galliard July 1, 2015 - June 30, 2020																												
DCP Bond Fund																																																
Passive Bond Manager (50%) Vanguard Total Bond Market Index Fund Inst Plus																				Vanguard June 26, 2015 - June 25, 2020																												
Active Bond Manager (50%) Natixis Loomis Sayles Core Plus Bond Fund												Loomis Sayles October 14, 2014 - October 13, 2019																																				
DCP Large-Cap Fund																																																
Large-Cap Passive Manager (100%) Vanguard Institutional Index Fund																				Vanguard June 26, 2015 - June 25, 2020																												
DCP Mid-Cap Fund																																																
Mid-Cap Active Growth Manager (25%) Voya Mid Cap Opportunities Fund																				Voya March 20, 2015 - March 19, 2020																												
Mid-Cap Active Value Manager (25%) RidgeWorth MidCap Value Equity Fund																				Ridgeworth March 20, 2015 - March 19, 2020																												
Mid-Cap Passive Manager (50%) Vanguard Mid Cap Index Fund																				Vanguard June 26, 2015 - June 25, 2020																												
DCP Small-Cap Fund																																																
Small-Cap Active Growth Manager (33%) Hartford Small Cap Growth HLS Fund																				Hartford March 20, 2015 - March 19, 2020																												
Small-Cap Active Value Manager (33%) DFA US Small Cap Value Portfolio																				Dimensional March 20, 2015 - March 19, 2020																												
Small-Cap Passive Manager (34%) Vanguard Small Cap Index Fund																				Vanguard June 26, 2015 - June 25, 2020																												
DCP International Fund																																																
Developed Markets Manager (65%) MFS Institutional International Equity Fund																				MFS June 26, 2015 - June 25, 2020																												
Emerging Markets Manager (17.5%) DFA Emerging Markets Core Equity Portfolio																				Dimensional June 26, 2015 - June 25, 2020																												
Small-Cap International Manager (17.5%) Brandes International Small Cap Equity Fund																				Brandes June 26, 2015 - June 25, 2020																												

*Indicates a contracted relationship. Non-contracted investment managers are procured through a mutual fund search.

Attachment B

Projected Investment Manager Search Costs

Requests for Proposal		
	<i>Low End Cost Range</i>	<i>High End Cost Range</i>
Stable Value	\$ 15,000	\$ 20,000

Passive Manager Search		
	<i>Low End Cost Range</i>	<i>High End Cost Range</i>
Fixed Income Index	\$ 5,000	\$ 7,000
Large Cap Equity Index	\$ 5,000	\$ 7,000
Mid Cap Equity Index	\$ 5,000	\$ 7,000
Small Cap Equity Index	\$ 5,000	\$ 7,000

Active Manager Search		
	<i>Low End Cost Range</i>	<i>High End Cost Range</i>
Fixed Income	\$ 17,500	\$ 25,000
Mid Cap Value Equity	\$ 17,500	\$ 25,000
Mid Cap Growth Equity	\$ 17,500	\$ 25,000
Small Cap Value Equity	\$ 17,500	\$ 25,000
Small Cap Growth Equity	\$ 17,500	\$ 25,000
International Developed Equity	\$ 17,500	\$ 25,000
International Small Cap Equity	\$ 17,500	\$ 25,000
Emerging Markets Equity	\$ 17,500	\$ 25,000

TOTAL-->	\$ 175,000	\$ 248,000
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Attachment C

**Request for Proposal
Deferred Compensation Plan
Plan Administration and Communications Consulting Services
City of Los Angeles Personnel Department, Employee Benefits Division
On behalf of the Board of the Deferred Compensation Administration**

DATE ISSUED: MONTH XX, 2020

TITLE: PLAN ADMINISTRATION AND COMMUNICATIONS CONSULTING SERVICES FOR THE CITY OF LOS ANGELES DEFERRED COMPENSATION PLAN

CONTRACT TERM: UP TO FIVE (5) YEARS

MANDATORY PRE-PROPOSAL CONFERENCE:

**Date TBD
Time TBD
City Hall
200 North Spring Street, Room 805
Los Angeles, CA 90012
10:00 a.m. – 12:00 p.m.**

PROPOSAL DELIVERY ADDRESS:

City of Los Angeles
Personnel Department, Employee Benefits Division
Attention: Anna Ancheta
Los Angeles City Hall
200 North Spring Street, Room 867
Los Angeles, CA 90012

DEADLINE FOR SUBMITTING PROPOSAL: **TBD at 3:00 p.m. Pacific Standard Time (PST)**

DEADLINE FOR OUTREACH TO SUBCONTRACTORS (pursuant to the City's Business Inclusion Program outreach requirements): **TBD at 11:59 p.m. PST.**

REQUEST FOR PROPOSAL (RFP) ADMINISTRATOR:

**Name: Anna Ancheta, Personnel Analyst
Phone: (213) 978-1629
Email: anna.ancheta@lacity.org**

PART A

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PART B

Exhibit A – City of Los Angeles General Contracting Requirements (Rev. 10/17)

SECTION 1

INTRODUCTION & BACKGROUND

1.0 INTRODUCTION

The City is seeking expert plan administration and communications consulting services from one or more providers for the City's Deferred Compensation Plan ("DCP"). The DCP is a non-qualified tax-advantaged savings program for eligible City employees established in 1983 under Internal Revenue Code (IRC) Section 457 and City of Los Angeles Administrative Code, Division 4, Chapter 14, Sec. 4.1400-4.1410. The required services will be as-needed and include the following two primary consulting categories: Plan Administration Consulting and Communications Consulting.

1.1 BACKGROUND

The Board of Deferred Compensation Administration ("Board") administers the DCP. The nine-member Board includes three elected active employee representatives from the Los Angeles City Employees' Retirement System ("LACERS"), Fire and Police Pension System ("LAFPP"), and Water & Power Employees' Retirement Plan ("WPERP"); an elected retired participant representative; the LACERS General Manager; the LAFPP General Manager; the WPERP Plan Manager; the Personnel Department General Manager; and a certified Union Representative. The Board has administrative responsibility, including contract authority, for the DCP.

As of September 30, 2019, the DCP had \$6.7 billion in assets and over 49,000 participants. More detailed information regarding the DCP is included in its 2018 Annual Report, which can be found at <https://LA457.com/annual-reports> or reports provided to the Board and published on the DCP website at LA457.com

The City's Personnel Department, Employee Benefits Division (EBD) provides staff support to the Board and is responsible for day-to-day administration of the DCP. EBD staff performs the following primary functions:

- Develop policy and plan design recommendations
- Function as a liaison to DCP service providers
- Administer all DCP-related contracts; and
- Facilitate all aspects of employee/beneficiary participation in the DCP

The Office of the City Attorney serves as the Board's legal counsel and provides legal support for the DCP which includes reviewing procurements and contracts, ensuring compliance with State and federal laws, providing guidance in regards to various

administrative functions, such as beneficiary claims, and processing Qualified Domestic Relations Orders (QDROs).

The Board contracts with Voya Financial (“Voya”) to provide third-party administration of the DCP, including recordkeeping, enrollment, counseling, and communications. The DCP utilizes Voya to provide passive trustee services, which fulfills the federal and Los Angeles Administrative Code requirements that all DCP assets be held in trust for the exclusive benefit of DCP participants and their beneficiaries.

Segal Consulting is the incumbent firm providing Plan Administration and Communications consulting to the Board. The DCP also has a separate contract with Mercer Investments for investment consulting.

As of September 30, 2019, the Plan offered the following investment options in its investment menu:

Investment Option	Provider	Account Type
DCP FDIC-Insured Savings Account	Bank of the West	Savings Account
	East West Bank	Savings Account
DCP Stable Value Fund	Galliard Capital Management	Separate Account
DCP Bond Fund (blended)	Loomis Sayles Core Plus Bond	Mutual Fund
	Vanguard Total Bond Market Index Institutional Plus	Mutual Fund
DCP Large-Cap Stock Fund	Vanguard Institutional Index Plus	Mutual Fund
DCP Mid-Cap Stock Fund	Vanguard Mid-Cap Index Fund Institutional	Mutual Fund
	Virtus Ceredex Mid-Cap Value Equity Fund	Mutual Fund
	Voya MidCap Opportunities Fund	Mutual Fund
DCP Small-Cap Stock Fund	Vanguard Small Cap Index Fund	Mutual Fund
	DFA US Small Cap Value Portfolio	Mutual Fund
	Hartford SmallCap Growth HLS Fund	Mutual Fund
DCP International Stock Funds (not blended)	MFS Institutional International Equity Fund	Mutual Fund
	Brandes International Small Cap Equity Fund	Mutual Fund
	DFA Emerging Markets Core Equity Portfolio	Mutual Fund

1.2 PLAN ADMINISTRATION AND COMMUNICATIONS CONSULTING SERVICES

The purpose of this RFP is to obtain proposals from qualified entities that will provide consulting services in one or both of the following two primary categories:

Plan Administration Consulting Services	Communications Consulting Services
<ul style="list-style-type: none">• Program/Plan Design and Administration• Regulatory Guidance• Plan Procurement and Contract Development for administrative, auditing, and other plan services• Benchmarking• Training Services• Regulatory/Technical Guidance• Cybersecurity Policy and Practice	<ul style="list-style-type: none">• Marketing and education campaigns and strategies• DCP communication and engagement materials• DCP website design and functionality• Participant assessments, focus groups, and surveys

Proposal Options:

A vendor may submit a proposal or proposals to provide DCP Plan Administration and/or Communications Consulting Services. Proposals for each category will be evaluated separately. The City reserves the right to contract with multiple vendors pursuant to this RFP and to select more than one vendor within each consulting category. Fee proposals for each consulting category must be made separately for each category of consulting services.

1.3 DEFINITIONS OF TERMS

The following terms used in the RFP documents shall be defined as follows:

- **“Agreement”** or **“Contract”** means the contract to be entered into between the City and proposer(s).
- **“Bidder”** or **“Proposer”** means the entity that responds to the Request for Proposal.
- **“The Board”** means the City of Los Angeles Board of Deferred Compensation Administration.
- **“City”** means the City of Los Angeles.
- **“Communications Consulting”** means the communications consulting services as described in this RFP.
- **“Contract Effective Date”** means the date, mutually agreed upon between the Contractor and City, that the Contractor begins performing services for the City.

- “**Contractor**” means the individual, partnership, corporation, or other entity to which a contract is awarded and will be synonymous with the term “vendor.”
- “**DCP**” means the City of Los Angeles Deferred Compensation Plan, established pursuant to Section 457 of the Internal Revenue Code (“IRC”).
- “**Department**” will be considered synonymous with the City of Los Angeles, Personnel Department.
- “**Employee Benefits**” or “**EBD**” means the Employee Benefits Division of the City of Los Angeles, Personnel Department.
- “**Plan Administration Consulting**” means the plan administration consulting services as described in this RFP.
- “**Proposer**” means a respondent to this RFP.
- “**RFP**” means this Request for Proposal.
- “**RFP Administrator**” means the City staff person serving as the primary point of contact for this RFP.
- “**Staff**” means employees of the City who provide assistance and support to the Board.

1.4 CONTRACT TERM

The initial term of any contract(s) awarded pursuant to this RFP shall be for a period of up to five years from the contract effective date as provided for by the final contract, subject to the termination provisions therein. The City may, in its sole discretion, seek an extension of the term beyond the initial five-year term.

1.5 RFP CONTENTS

The contents of this RFP are as follows:

PART A – Request for Proposal, including the Introduction & Background, Plan Profile & Scope of Services, Proposal Questionnaire, Submission Requirements, Evaluation of Proposals, and General Terms and Conditions.

PART B – General Contracting Requirements and Attachments, which includes the City of Los Angeles Standard Provisions for City Contracts (Rev. 10/17) and other general contracting requirements that must be reviewed and completed by proposers as specified in order for a proposal to be deemed responsive.

1.6 RFP CONTACT INFORMATION

The Board and staff are committed to ensuring that all DCP business transactions, including procurement processes, are based strictly on integrity, competence, merit, and benefit to DCP participants and their beneficiaries. As a matter of policy and consistent with the City’s ethics rules, Board members and staff will not communicate with current or prospective vendors or their representatives, or any other person or organization, for the purpose or intent of having a particular vendor secure or maintain a contract or

business with the DCP, or otherwise realize financial gain from the DCP, whether during or outside of a procurement process.

In support of this, and to ensure the transparency and objectivity of this procurement process, all communications and questions regarding or related to the services included in this RFP should be directed to the RFP Administrator, whose contact information is identified on page one.

1.7 PROPOSAL TIMELINE AND MANDATORY PRE-PROPOSAL CONFERENCE

The Board will award a contract, in a form approved by the City Attorney, to the selected proposer(s). Written proposals submitted to the City constitute a legally binding contract offer and shall remain open for twelve (12) months. It is requested that proposals be prepared simply and economically, avoiding the use of unnecessary promotional material. If a Proposer is deemed non-responsive during the proposal process, the Proposer will be eliminated from further consideration of this RFP.

1.7.1 Proposal Timeline

The following is the current timeline for the RFP process. The City reserves the right to adjust this schedule. Changes to the timeline, if any, will be posted online as an RFP Addendum.

Proposal Dates	Event
Month X, 2020	Request for Proposal Released
Month X, 2020	Deadline for receiving written questions for the Pre-Proposal Conference is 4:00 p.m. PST
Month X, 2020	Deadline to register to participate in Pre-Proposal Conference by telephone is 4:00 p.m. PST
Month X, 2020	Mandatory Pre-Proposal Conference at 10:00 a.m. PST City Hall 200 N. Spring Street, Room 805 Los Angeles, CA 90012
Month X, 2020	Deadline for receiving written questions regarding the RFP is 4:00 p.m. PST
Month X, 2020	General Contracting Requirements Preliminary Submission Deadline by 3:00 p.m. PST
Month X, 2020	Deadline for proposers to issue written solicitations to subcontractors via www.labavn.org website. This step must be completed by 11:59 p.m. PST on Month X, 2020, to avoid risk of late submission.
Month X, 2020	City Review of General Contracting Document Due to Proposer by this Date

Month X, 2020	<u>RFP responses due by 3:00 p.m. PST to the delivery address on page one of the RFP.</u>
Month X, 2020	Business Inclusion Program (BIP) Summary Sheet Submission on Los Angeles Business Assistance Virtual Network (LABAVN) – 4:30 p.m. PST
Month X, 2020	RFP evaluations
Month X, 2020	Determine qualified Proposers that will move on to the performance testing phase
Month X, 2020	Complete engagement exercises with qualified Proposers
Month X, 2020	Board makes selection and begins contract negotiation with successful Proposer
Month X, 2020 <i>(or upon contract agreement)</i>	Target date for executing contract
January 1, 2021	Commencement of services

1.7.2 Mandatory Pre-Proposal Conference

A **mandatory** Pre-Proposal Conference will be held to provide information regarding the RFP requirements and answer questions from prospective Proposers regarding this RFP. The Pre-Proposal Conference will also give Proposers and potential subcontractors the opportunity to network. City staff will not provide assistance regarding a Proposer’s individual RFP response.

The Pre-Proposal Conference has been scheduled pursuant to the schedule noted in the Proposal Timeline. Potential Proposers may participate by physically attending or by calling in to the conference. Participants will be asked to identify themselves by name and firm.

If you intend to participate by telephone, pre-register by contacting the RFP Administrator by the deadline noted in the Proposal Timeline. The City will provide a call-in number at that time for those interested in participating by telephone. Attendance will be taken at the **beginning** and **end** of the Pre-Proposal Conference. Proposers attending by phone must remain for the duration of the Pre-Proposal Conference. Failure to attend and remain through the end of the Pre-Proposal Conference will result in your firm being deemed non-responsive and ineligible to submit a proposal in response to this RFP.

It is to your benefit to bring your own copy of the RFP, particularly the City’s General Contracting requirements, to the conference. No copies will be provided at the Pre-Proposal Conference.

1.7.3 Questions Regarding the RFP

To maximize the effectiveness of the conference, to the extent possible, Proposers should provide questions in writing prior to the Pre-Proposal Conference in accordance with the deadline noted in the Proposal Timeline. This will enable the City to prepare responses in advance.

All questions regarding the RFP should be submitted in writing and sent via e-mail to the RFP Administrator. Please identify the RFP title on the subject line of your message. All questions should identify the RFP section and page number, or the relevant General Contracting provision, for each question submitted. Additional questions may be accepted and addressed at the Pre-Proposal Conference. However, certain responses may be deferred and posted online as addenda to the RFP at a later date.

The City will make every effort to respond to all written questions as soon as practical. All questions and responses to questions, or any other changes to or interpretation of the RFP, will be posted online at www.labavn.org. Any such changes or interpretations shall become a part of this RFP and may be incorporated into any Contract awarded pursuant thereto.

1.8 GENERAL CONTRACTING REQUIREMENTS PRE-SUBMISSION OPTION AND SUBMISSION DEADLINES

The City's General Contracting Requirements are included in Part B, which is attached hereto. Part B contains the Standard Provisions for City Contracts (rev. 10/17) and a variety of documents and forms with which prospective City vendors must demonstrate compliance in order to be awarded a City contract.

Within Part B is a list of requirements that must be fully met, including forms to be completed and submitted and details regarding certain processes which must be followed by prospective vendors as part of their RFP response. Failure to meet any of these requirements to the satisfaction of the City by the RFP Proposal Submission Deadline will result in disqualification of the Proposer's proposal as being non-responsive and eliminate the proposal from further consideration in the evaluation process.

The City will provide Proposers an opportunity to demonstrate responsiveness to the City's General Contracting Requirements at a date prior to the Proposal Submission Deadline. Proposers are not required to complete and submit their General Contracting Requirements forms and processes by the Preliminary Submission Deadline; however, it may be to their advantage to do so. If a Proposer utilizes this option, City staff will identify whether the documents as submitted are or are not responsive to the City's requirements. If deemed non-responsive, the Proposer will have time to demonstrate responsiveness by no later than the RFP Proposal Submission Deadline. Following the Proposal Submission Deadline, there will be no further opportunity for demonstrating responsiveness to the City's General Contracting Requirements. Failure to adequately demonstrate responsiveness to the City's General Contracting Requirements, or a rejection by the Proposer of those requirements or the Standard Provisions for City Contracts (Rev. 10/17), will result in disqualification of the proposal and shall eliminate

the proposal from further consideration in the evaluation process. The relevant dates with respect to this process are included in the Proposal Timeline.

1.9 RFP PROPOSAL SUBMISSION DEADLINE

Responses to this RFP must be submitted on paper, and an electronic copy must be received by the RFP Administrator by the Proposal Submission Deadline noted on page one of this RFP and the Proposal Timeline. Electronic portions, as specified further in this RFP, must be received no later than this date/time as well. Late responses (i.e., proposals received after the Proposal Submission Deadline) will not be considered. The City reserves the right to extend the Proposal Submission Deadline should this be in the interest of the City.

SECTION 2

SCOPE OF SERVICES

2.1 EVALUATION OF WRITTEN RESPONSES TO THE RFP

The City will evaluate each proposer's written responses to the RFP questionnaire contained in Section 3 of the RFP and outlined in further detail below.

2.2 ORGANIZATIONAL QUALIFICATIONS & RELIABILITY

2.2.1 Organizational Background, Experience, and Continuity

The City will be evaluating each Proposer's organizational experience, stability, financial strength, and experience in providing Plan Administration Consulting and/or Communications Consulting services, and the degree to which an organization can be a long-term viable partner with the City in executing DCP missions, goals, and strategies and providing the specific services included in this RFP.

2.2.2 External Agency Ratings

The City will be evaluating each Proposer's rating agency status (if applicable) as part of assessing overall financial stability.

2.2.3 Regulatory and Contractual Actions

The City will be assessing each Proposer's status relative to any regulatory actions, complaints, administrative challenges, judicial actions, lawsuits, contract terminations, bankruptcy filings, conflicts of interest, or other material events initiated by or against the Proposer that may be relevant to the organization's reliability as a City of Los Angeles service partner, and as part of assessing its reliability and institutional viability and ensuring that administrative functions are conducted in accordance with applicable law and regulation.

2.2.4 Security Protocols, Disaster Recovery, and Guarantees

The City will be assessing each proposer's ability to (1) protect and maintain the confidentiality and security of all confidential information in its possession; (2) implement and maintain adequate and necessary security systems, policies, and protocols; and (3) provide the highest reasonable level of safety and security of confidential information.

2.3 PLAN ADMINISTRATION CONSULTING SERVICES EXPERIENCE AND QUALIFICATIONS

2.3.1 Plan Design and Administration

The City will evaluate each Proposer's experience, qualifications, and capabilities in providing expert consulting services necessary to conduct program/plan design analysis of various aspects of the DCP. Specifically, the City will evaluate each Proposer's experience and capabilities in providing the following services:

- Reviewing and providing recommendations in the design, implementation, and administration of new program features as may be authorized and established by the City.
- Reviewing DCP existing program design and making recommendations to the City regarding modifications, including plan design changes and cost savings strategies, to assist the City in administering its program in a cost-efficient manner and in the best interests of its participants.
- Providing the City with general guidance on trends in defined contribution plans, methods for improving cost containment, financial arrangements, and administration of the DCP.

2.3.2 Interpretative/Compliance Guidance

The City will evaluate each Proposer's experience, qualifications, and capabilities in providing expert consulting services and resources in the following areas of interpretative/compliance guidance:

- Providing regulatory consulting on ongoing matters which may arise in the administration of the DCP, including but not limited to interpretation of current federal and/or State laws and/or regulations, DCP Plan Document provisions, application and development of policy, and DCP service provider rules and practices.
- Providing regular and timely communication of potential or proposed changes to federal and/or State statutes and regulations that may impact the DCP and, upon request, prepare customized reports on how such changes would impact the DCP.
- Working collaboratively with the City Attorney's Office staff relative to any legislative or regulatory items under review.

2.3.3 Plan Procurement and Contract Development and Review

The City will evaluate each Proposer's experience, qualifications, and capabilities in providing expert consulting services and resources in the following areas of plan procurement and contract development and review:

- Assisting in the development of procurements for DCP administrative, auditing, and other service providers and assisting in evaluating proposals submitted in response to the procurement.
- Assisting staff in preparing written reports summarizing the analysis of RFP responses and providing related information and analysis to the City to incorporate in its final report.
- Assisting in reviewing, developing, and amending contracts with DCP service providers, including group policy documents as may be required in particular service arrangements.
- Assisting with the development, negotiation, and implementation of performance standards and guarantees for DCP service providers.
- At the City's request, reviewing DCP communication materials and materials developed by DCP service providers, including summary brochures, forms, letters, and announcements, and other documents governing the administration of the DCP for accuracy.
- Providing recommendations for items of negotiation with DCP service providers on matters including, but not limited to, performance standards and guarantees, contractual terms and conditions, quality assurance standards, utilization and performance reports, cybersecurity measures, statistical and/or financial reports, and plan specific data.

2.3.4 Benchmarking Analysis

The City will evaluate each Proposer's experience, qualifications, and capabilities in providing expert consulting services and resources in the following areas of benchmarking analysis:

- Preparing comparative data relative to other governmental and private sector defined contribution plans and programs to determine competitiveness and evaluate best practices.
- Preparing benchmarking reports of data points within other employers' defined contribution plans and programs which may be used to gauge the success of the program.

2.3.5 Financial Review and Analysis

The City will evaluate each Proposer's experience, qualifications, and capabilities in providing expert consulting services and resources in the following areas of financial review and analysis:

- Assisting the City in preparing cost projections of current or new DCP program features, including projections broken out by its various sub-populations, as well as historical cost analysis, cost/benefit of plan design changes, effect of specific legislative proposals, and other plan sponsor cost comparisons.
- Providing all data, spreadsheets, assumptions, formulas, and calculations relative to completion of any financial analysis performed in support of the DCP.

2.3.6 Training Services

The City will evaluate each Proposer's experience, qualifications, and capabilities in providing training and other educational resources to the Board and staff with respect to plan issues, legislation, strategic planning, and best practices, which will help to ensure the City's compliance with applicable law and regulation, measure and achieve success in fulfillment of the DCP's ongoing mission, and administer the DCP at the highest level of efficacy and efficiency.

2.3.7 Miscellaneous Services

The City will evaluate each Proposer's experience, qualifications, and capabilities in providing the following miscellaneous services as requested by the City:

- At the request of the City, attending meetings with the Personnel Department and other departments as needed, monthly meetings of the Board and its committees, and meetings with DCP service providers.
- Working collaboratively with any other consultants or consulting firms and/or legal firms the City has contracted with for consulting and/or legal services.

2.4 COMMUNICATIONS CONSULTING SERVICES EXPERIENCE AND QUALIFICATIONS

The City will evaluate each Proposer's experience, qualifications, and capabilities in providing expert consulting services and resources in assisting the City with the development of communications, marketing, and engagement strategies and materials for the purpose of supporting successful participant outcomes. Specifically, the City will be evaluating the Proposer's experience, qualifications, and capabilities in the following areas:

2.4.1 Communications Strategies, Processes, & Project Management

- Developing marketing and education strategies for the DCP, including defining objectives and creating metrics for measuring success of the strategy.
- Working with DCP service providers to develop participant engagement campaigns and communication materials to impact participant engagement.
- Working collaboratively with any other consultants or consulting firms and/or legal firms the City has contracted with for consulting and/or legal services.
- Reviewing all communication materials for accuracy and engagement and educational efficacy.
- Performing as-needed compliance reviews for the DCP's communication materials.

2.4.2 Communications Deliverables

- At the request of the City, developing DCP communication materials (such as enrollment guides, participant statements and notifications, program summaries and flyers), including other programs and special events.
- At the request of the City, developing DCP virtual communication materials such as emails, newsletters, videos, and webinars.
- At the request of the City, developing custom and as-needed communication materials for special education/marketing efforts.
- Developing and conducting participant assessments, focus groups, customer satisfaction evaluations, and surveys related to knowledge and/or awareness of DCP communications and features.

2.5 FEES & GUARANTEES

2.5.1 Fees & Charges

The City values proposals that include reasonable, cost-effective, and competitive fees to perform the services described in this RFP. All Proposers must submit a comprehensive list of all proposed fees, including but not limited to hourly fees, fixed fees, transactional fees, pass-through expenses, etc. All fees that the firm will or may apply are required to be disclosed.

The City values proposals which provide the highest degree of clarity for the City in planning for and projecting its future costs. As such, the City welcomes fee proposals which are inclusive to the highest degree possible of all actual or potential costs and do not include structured annual fee increases.

The proposed fees submitted by the Proposer for providing the services described in this RFP shall constitute a firm and fixed offer to the City that will remain open and valid for a minimum of 12 months from the Proposal Submission Deadline.

2.5.2 Performance Guarantees

The City will be evaluating each Proposer's proposed performance guarantees, with a focus on those that are meaningful, measurable, and relate to the core mission and customer service quality objectives that have been identified in this RFP.

2.6 ADDITIONAL INFORMATION

Any other data the Proposer considers essential to the evaluation of its proposal shall be clearly stated in this section. If there is no additional information the Proposer wishes to present, the Proposer should state, "There is no additional information we are presenting pursuant to this Request for Proposal."

SECTION 3

PROPOSAL QUESTIONNAIRE

QUESTIONNAIRE INTRODUCTION AND INSTRUCTIONS

3.0 INTRODUCTION

The questions included in this RFP are intended to solicit important background information about your firm and fully disclose the data points upon which Proposers will be evaluated. The City is not evaluating firms using any information other than what is outlined within this RFP. Responses to this section, along with documents required to be submitted pursuant to Part B of this RFP are necessary for the proposal to be considered responsive.

3.1 INSTRUCTIONS

- Do not alter the questions or question numbering.
- Complete all appropriate sections of the questionnaire.
- To obtain an electronic version of the questionnaire, please contact the RFP Administrator. When providing narrative responses in the Excel questionnaire document, do not include any images, graphics, or charts. However, you may include images, graphics, or charts in print copies of your proposal.
- Provide an answer to each question even if the answer is “not applicable” or “unknown.”
- Answer the question as directly as possible.
 - If the questions asks, “How many...” provide a number.
 - If the question asks, “Do you...” indicate Yes or No, followed by any additional brief narrative explanation to clarify.
- **Be concise in your response.** Use bullet points as appropriate. Consider how to word any response that exceeds 200 words in length so that the response contains the most important points you want displayed.
- Do not respond to a question solely by referring to a document or material that is not otherwise included within your proposal. If referring to such documents or materials, you are nevertheless responsible for summarizing the content in order for you to be deemed responsive with respect to that question.
- Referring the reader to attachments for further information should be avoided or used on a limited basis. Any response that does not directly address the question, but only contains marketing information, will be considered non-responsive.

3.2 INTRODUCTORY QUESTIONS

Responses to the following are required in order for your proposal to be considered responsive but will not be rated.

3.2.1 Cover Letter and Proposal Declaration

Provide a cover letter and Proposal Declaration to include the following:

- **Title** “City of Los Angeles Deferred Compensation Plan Administration and Communications Consulting Services for the City of Los Angeles Deferred Compensation RFP” **and submission date**
- Contact name of person authorized to bind the Proposer to the proposal
- Contact Name/Title
- Mailing address
- Location of business (if different from mailing address)
- Type of legal entity (corporation, Limited Liability Company, joint venture, partnership, etc.)
- A short description of your organization, the businesses in which it engages, and the services it provides.
- Telephone numbers (office, cell, and 24-hour lines of person(s) who will be authorized to represent the Proposer)
- Fax number
- Email address
- Date entity was established and location of entity when established
- Location of headquarters (full address) and, if your firm has more than one office location, which of your firm’s offices will service this account.
- Remittance address (if different from mailing address)
- Annual revenues
- Total number of employees
- Number of employees providing services for this contract
- The following statement:

“The undersigned hereby offers and agrees to furnish the goods and/or services in compliance with all the service level requirements, instructions, specifications, and any amendments contained in this RFP document and any written exceptions in the offer accepted by the City. This proposal is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named; the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from submitting a proposal; and the Proposer has not in any manner sought by collusion to secure for itself an advantage over any other Proposer.”

- A signature submitted on behalf of the Proposer by an officer authorized to bind the Proposer to the proposal, acknowledging:
 - Receipt of and agreeing the submitted proposal is based on the RFP and any identified addenda.
 - Failure to indicate receipt of addenda may result in the proposal being rejected as non-responsive.
 - To constitute a responsive proposal, all pages of the proposal questionnaire and required forms must be submitted.
 - Under penalty of perjury under the laws of the State of California that the proposal is true and correct, and the Proposer agrees to the terms and conditions in the proposal.

3.2.2 City Business License Number or Vendor Registration Number

Indicate your City Business License Number or Vendor Registration Number if available. A license or registration number is not required for your proposal but will be required prior to execution of a contract. To obtain a Business Tax Registration Certificate (BTRC) or Vendor Registration Number, call the Office of Finance at (213) 473-5901 and pay the respective business taxes. The address is as follows: City of Los Angeles, City Hall – Office of Finance, 201 North Main Street, Room 101, Los Angeles, CA 90012. Additional information is available on the website <http://www.lacity.org/finance/>.

3.2.3 State of California Board of Equalization Permit

Indicate your company's State of California Board of Equalization permit number, if applicable. If you do not have this permit, please make a statement to this effect.

3.2.4 California Revenue and Taxation Code

Fill out and submit the appropriate California Revenue and Taxation Code form, if applicable (for out of state Proposers).

3.2.5 Compliance with Standard Provisions

Provide a statement indicating that your firm will comply with the City of Los Angeles General Contracting Provisions attached to this RFP in Part B, including the Standard Provisions for City Contracts (Rev. 10/17). Please note that your statement does not relieve you from providing all of the documents required pursuant to the "Proposal Response Checklist."

3.2.6 Insurance

The City is estimating that the following insurance coverage types will apply to this contract:

- Workers Compensation: \$ _____
- General Liability: \$ _____
- Automobile Liability: \$ _____
- Professional Liability: \$ _____

Please verify that you will be able to meet the required coverage levels and that you will submit proof of such pursuant to Part B, “General Contracting Requirements – Insurance Requirements,” as a condition of execution of any final contract (see Part B, “Standard Provisions – Insurance Requirements” for further details). Note that if the Proposer is a sole owner company with no employees, the Proposer can sign the City’s waiver of workers compensation. General Liability can also be obtained through the City’s SPARTA program for small contractors. Links to the City’s waiver form and SPARTA program from the City’s Risk Management website are provided as follows:

<http://www.2sparta.com/>
<http://cao.lacity.org/risk/waivewc.pdf>

3.2.7 Lobbyist Disclosure

Disclose any (1) arrangements your company has with any lobbyists and/or agents representing your company, and (2) any arrangements your company has with an unrelated individual or entity with respect to the sharing of any compensation, fees, or profit received from or in relation to the proposing company being awarded a Contract with the City. If any such arrangements exist, describe the nature of the relationship and the manner in which compensation or fees would be shared.

3.2.8 Endorsement Disclosure

Disclose any financial relationship your company has with any union, organization, or association in conjunction with an endorsement. Provide details regarding the relationship, including any benefit that will be recognized by the union, organization, or association in the event your company is awarded a Contract with the City.

3.2.9 Subcontracting

If any portion of the Contract is to be subcontracted, it must be clearly set forth as to the part(s) to be subcontracted, the reasons for the subcontracting, and a listing of subcontractors. For each subcontractor proposed, provide the following information:

- The specific service being subcontracted
- Name of subcontractor
- Subcontractor’s contact name
- Contact title
- Contact phone number
- Mailing address
- Location of business (if different from mailing address)
- Business telephone number

- Subcontractor's registration # and/or license #, if applicable
- Description of work to be subcontracted
- Reason for subcontracting
- Percent of total contract to be subcontracted and dollar amount
- Relevant work experience in years and level of responsibility
- Experience in number of years that your firm has worked with the subcontractor providing these services
- If the subcontractor is a MBE, WBE, LBE, SBE, EBE, or OBE
- If subcontractors will not be utilized, so indicate here

3.2.10 Required Contract Execution Date

Please indicate if you (a) have any requirements, constraints, or limitations with respect to the start of services relative to final execution of a completed contract with the City; and (b) if you would be willing to provide services to the City prior to execution of a completed contract providing that a ratification clause is inserted into the contract.

3.3 RFP QUESTIONNAIRE

Please complete the entire Questionnaire and include it with your RFP Proposal. Make sure you enter information into ALL cells designated for responses. If the question does not apply, enter "N/A" into the cell. Do NOT leave any empty cells. Do NOT add columns, rows, or cells to the questionnaire format. If you have any questions regarding this form, contact the RFP Administrator.

Proposers shall provide written responses to the following questions, reproducing the questions with each answer. The responses to the following questions will be rated.

QUALIFYING QUESTIONS		
Responses to the following are required in order for your proposal to be considered responsive, but will NOT be rated.		
QUESTIONS		ENTER RESPONSES IN THIS COLUMN
CONTACT INFORMATION		
1	Name of Company:	
	Person Authorized to Submit Proposal:	
	Title of Person Authorized to Submit Proposal:	
	Business Address (Company Office to Service Account):	
	Type of Legal Entity (Corp, LLC, Partnership, etc.):	
	Business Telephone Number:	
	Company Website:	
REQUIRED DOCUMENTATION & DISCLOSURE		
2	State of California Board of Equalization Permit Number:	

3	Has your company attached appropriate California Revenue and Taxation Code Form, if applicable (for out of state proposers)?	
4	Has your company's insurance broker uploaded the Certificate of Liability Insurance onto the kwikcomply.com website?	
5	Has your company completed all required forms as part of this RFP or as required on the LABAVN website?	
6	Does your company agree to the following statement? "We hereby offer and agree to furnish the services in compliance with all the service level requirements, instructions, specifications, and any amendments contained in this RFP document and any written exceptions in the offer accepted by the City. This proposal is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named; the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a sham proposal, or any other person, firm or corporation to refrain from submitting a proposal; and the Proposer has not in any manner sought by collusion to secure for itself an advantage over any other Proposer."	
7	Does your company agree to the following statement? "By submitting a proposal, we acknowledge and agree to the following: (1) receipt of and agree that the submitted Proposal is based on the RFP and any identified addenda; (2) failure to indicate receipt of addenda may result in the proposal being rejected as non-responsive; (3) to constitute a responsive proposal all pages of the proposal questionnaire and required forms must be submitted; and (4) under penalty of perjury under the laws of the State of California the proposal is true and correct and the Proposer agrees to the terms and conditions in the proposal."	
8	Does your company agree to the following statement? "By submitting a proposal, we acknowledge that we will comply with the City of Los Angeles General Contracting Provisions attached to this RFP in Part B, including the Standard Provisions for City Contracts (Rev. 10/17)."	
9	If your response to the prior question is "NO," please be specific regarding which of the City's General Contracting Provisions, including the Standard Provisions, you are not able to comply with and why.	
10	Assuming a ratification clause is included into the agreement, is your company willing to provide services to the City prior to the execution of a completed contract?	
CURRENT AND FORMER CLIENTS		
The City may contact some or all of the contacts provided. Please advise of constraints on contacting any of the listed entities.		
11	Provide contact information for your company's three largest public sector defined contribution plan consulting services clients:	
	Client Name:	
	Current Asset Amount:	
	Contact Name:	
	Address:	
	Phone Number for Contact Person:	
	Email Address for Contact Person:	
	Year Your Company Started Providing Client Services:	
	Contract Services Provided (2-3 sentences):	
12	Provide contact information for your company's three largest private defined contribution plan sector consulting services clients:	
	Client Name:	
	Contact Name:	

	Address:	
	Phone Number for Contact Person:	
	Email Address for Contact Person:	
	Year Your Company Started Providing Client Services:	
	Year Your Company Stopped Providing Client Services:	
	Contact Services Provided (2-3 sentences):	
13	Provide contact information for your company's three former public or private defined contribution plan sector consulting services clients which have most recently discontinued services:	
	Client Name:	
	Contact Name:	
	Address:	
	Phone Number for Contact Person:	
	Email Address for Contact Person:	
	Year Your Company Started Providing Client Services:	
	Year Your Company Stopped Providing Client Services:	
	Contract Services Provided (2-3 sentences):	

RATED QUESTIONS		
The following questions will be used to rate your proposal.		
QUESTIONS		ENTER RESPONSES IN THIS COLUMN
ORGANIZATION QUALIFICATIONS & RELIABILITY		
All firms are required to respond to questions in this section.		
Organizational Background, Experience, and Continuity		
1.	Please provide an overview of your organization and organizational structure, to include the name of your parent company (if you have one), the nature of its business, the name of your company, the length of time your firm has been providing the broad range of services included within this procurement, headquarters, number of clients and members, and primary location where services will be provided.	
2.	Please provide your organization's revenues and net profits for the last three calendar years.	
3.	Please provide your organization's revenues and net profits for providing the range of services included in this procurement for the last three calendar years.	
4.	Is your company a subsidiary or affiliate of another company? If yes, describe the nature of the business of the parent firm. Provide full disclosure of all direct or indirect ownership. Indicate what percentage of the total company revenues your company represents for each of the last three calendar years.	
5.	What is the last date your organization had a change in its business structure, whether through an acquisition or divestiture or through an alliance	

	arrangement? If applicable, how did this change in business structure affect how you provide the services which are the subject of this RFP?			
6.	Describe any pending agreements to merge or sell your company or any portion thereof, or your parent company, or any pending or anticipated plans to reorganize your company within itself or as part of the larger organization of which your company is a part.			
7.	Describe any change in senior management (including CEO, CFO, CIO, or other executive management) in the last five years. Indicate the average tenure (in years) of senior management.			
8.	Please provide a summary of your organization's strategic plan, including how you control/manage the growth of your business.			
9.	What percentage of your services solicited in this RFP would be outsourced to other firms or sub-contracted? For services representing more than 5% of the total fee proposed for this RFP, identify all providers and their functions.			
10.	What percentage of your services solicited in this RFP would be outsourced or subcontracted to U.S. and non-U.S. service providers? Identify all U.S. and non-U.S. providers, their functions, and the percentage of work that would be performed by them under this contract.			
11.	How many proposals have you submitted in the last three years in response to public sector RFPs for 457 Plan Administration Consulting and/or Communications Consulting services? How many of these resulted in your selection to provide services?			
12.	Provide a list of all City contracts your firm has held within the past ten years. Please indicate whether any of these contracts had been terminated for default. If so, please describe this incident.			
13.	Provide a comprehensive list of your company office locations in order of the following: 1) Los Angeles area offices, 2) California area offices, 3) United States offices, and 4) offices abroad. Identify which locations will be used to manage services under this contract, and the extent of services to be performed at each location.			
14.	Indicate the total number of employees in your firm as of 12/31/19, 12/31/18, and 12/31/17.			
15.	Please complete the following applicable membership profile/client-based information:	Total (Public & Private Sector Clients)	Public Sector Clients	Private Sector Clients
	a) Total number of plans/programs that you provide consulting services for as of 12/31/19 (identify the type of consulting service)			
	b) Total number of employee members that you provide consulting services for as of 12/31/19 (identify the type of consulting service)			
	c) Total number of employee members and dependents that you provide consulting services for as of 12/31/18 (identify the type of consulting service)			
	d) Total number of clients as of 12/31/19, 12/31/18, and 12/31/17			
	e) Total number of clients gained for years ending 12/31/19, 12/31/18, and 12/31/17			

	f) Total number of clients lost for years ending 12/31/19, 12/31/18, and 12/31/17			
	g) Percentage of your total clients that have retained your firm for years ending 12/31/19, 12/31/18, and 12/31/17			
	h) Average client relationship in years as of 12/31/19, 12/31/18, and 12/31/17			
16.	Indicate your total clients by participant base as follows:			
	Participant Base	Total (Public & Private Sector Clients)	Public Sector Clients	Private Sector Clients
	Under 5,000			
	5,001 – 10,000			
	10,001 – 25,000			
	25,001 – 50,000			
	50,001+			
Total				
17.	Indicate your total governmental clients by participant base as follows:			
	Member Base			
	Under 5,000			
	5,001 – 10,000			
	10,001 – 25,000			
	25,001 – 50,000			
	50,001+			
Total				
External Agency Rating				
18.	Please provide the most recent ratings for your company by the following:			
	a) Standard and Poor's			
	b) Duff and Phelps			
	c) A.M. Best			
	d) Moody's			
	If your firm is not rated, submit documentation of a similar nature which attests to your firm's financial stability.			
19.	Has there been any change in your ratings in the last two years? If yes, please explain the nature and reason(s) for the change.			

Regulatory and Contractual Actions		
20.	Has your company been the subject of any complaint filed with any state or federal regulatory agency or office in the past five years? Has your company ever had a license to do business, an agent/broker license, or any other insurance license revoked or suspended? Has your company ever been reprimanded or otherwise cited by a licensing agency? If any of these apply, please describe fully.	
21.	Are there any outstanding legal actions pending against your organization? If so, please explain the nature and current status of the action(s) to the extent possible. What guarantees can you provide that these actions will not disrupt your business operations or impact the City's account if you were awarded a contract?	
22.	Identify and describe any past, pending or threatened judicial or administrative litigation (including lawsuits or protests) in which you have litigated against a client or prospective client, within the past five years, related to the type of services you are proposing. Indicate the reasons for the lawsuit/protest and the outcome. Provide contact information for the entity sued or challenged.	
23.	Describe any incident within the past ten years in which your business has had a contract terminated for default. Termination for default is defined as notice to stop performance due to your organization's non-performance or poor performance, and the issue was either not litigated, or litigated and such litigation determined your organization to be in default. Submit full details of all termination for default experienced by your firm during the past five years including the other party's name, address, telephone number and your firm's position on the matter. The City will evaluate the facts and may, at its sole discretion, reject your firm's proposal if the facts discovered indicate that completion of a contract resulting from this RFP may be jeopardized by selection of your firm. If your firm has experienced no termination for default in the past ten years, so indicate.	
24.	Has your company or its subsidiaries ever filed or been petitioned into bankruptcy or insolvency, or has your company ever made any assignment for the benefit of your creditors? If so, provide complete details.	
25.	Describe what procedures and policies you have in place to protect against, and provide disclosure of, any potential or perceived conflict of interest involving relationships your firm may have with service providers for which you may also be asked to conduct performance reviews or otherwise evaluate for the City's DCP. To what extent and under what circumstances do the individuals who would be directly servicing the City's account personally meet with service providers that could be actual or potential City clients?	
Security Protocols, Disaster Recovery, and Guarantees		
26.	Please describe your incident response process for managing virus/worm outbreaks or network intrusions.	
27.	Describe all elements of your data protection/privacy policy.	
28.	Does your data protection/privacy policy prevent the sale or distribution of collected data?	
29.	Describe in detail your procedures and safeguards used to protect the confidentiality of member data, including security for your hardware and facility, authorized access to data, encryption, and confidentiality of data, and security for hard-copy documents.	

	Verify that you will provide the following. If there are exceptions, explain the deviations.	
30.	a. If provided, confidentially maintain participant data, records, and personal information such as social security numbers, dates of birth, marital status, home addresses, transaction histories, and other information.	
	b. Indemnification to the City for any liability associated with security breaches of your data and/or recordkeeping system.	
31.	What kind of encryption software do you use? Is encryption used to protect sensitive files and databases on servers and on proprietary or confidential attachments to email messages that are sent?	
32.	Describe your response plan in the event of a data security breach. Include in your response if your plan provides notifications to affected individuals in the event of a security breach.	
33.	Describe your disaster planning/prevention resources and plans, including the frequency with which your data is backed up and how often your plans are tested.	
34.	With regard to your recordkeeping systems, please describe your records retention and destruction policy, including how long records are retained.	
PLAN ADMINISTRATION CONSULTING SERVICES EXPERIENCE AND QUALIFICATIONS		
35.	Confirm that your firm plans to provide these services, and then continue to provide answers to the questions in this section <u>or</u> explain why your firm is not proposing these services.	
Plan Design and Administration		
36.	Who will provide Plan Administration Consulting services to the City? For each individual providing these services, please indicate: <ul style="list-style-type: none"> • The name, position, resume, employment date(s) with your organization, geographic location, and a description of duties for each employee who is expected to work on this contract during its duration. • The expected availability and number of hours per day, month, and year each employee will be assigned to work on this contract and organization chart. • If there is more than one individual, indicate who will be the lead consultant and fully describe their roles and areas of expertise, including providing a listing of other clients handled by that individual. 	
37.	Describe any changes in direct management - the day-to-day staff who provide the administrative, information technology, and other direct management of the account - over the last two years. For the work unit(s) that you would propose servicing the City's account, what was the total staff turnover for 2019, 2018, and 2017? Provide the number of full-time employees and percent of staff turnover.	
38.	Indicate how you will maintain your responsiveness to the City's account in the face of competing client demands. Describe what the City should expect of your lead consultant with respect to: 1) time spent in the office and availability to respond to inquiries; 2) ability to schedule and attend meetings, both by telephone or in person; and 3) systems or protocols you use to maintain good client communication and project oversight.	
39.	Describe in detail, and provide up to three examples of your experience with respect to analyzing, recommending, and/or assisting plans in conducting performance and operational evaluations for programs involving:	

	a. Plan design changes (e.g. adding/deleting services or features, review of or changes to service bundling, etc.)	
	b. Identifying and recommending best practices in plan features and services	
	c. Assisting plan sponsors with evaluating their core mission, goals, and metrics for measuring plan success	
40.	Describe in detail and provide up to three examples of your experience with respect to researching and conducting comparative studies of employer-sponsored plans/programs. Describe the type of study that was conducted, the data elements, factors, and considerations for developing the comparative study, and any report and/or recommendation that you prepared as part of this work effort.	
41.	Provide up to three examples of a plan sponsor for whom you developed recommendations regarding modifications to their program structure or features, and explain how your advice and findings benefited the plan and its membership.	
42.	Provide two examples of a plan sponsor for whom you developed recommendations regarding cost containment strategies and explain what savings were achieved and how they were determined.	
Interpretive/Compliance Guidance		
43.	Describe the resources you can make available to the City for the purpose of expert technical legislative review. Describe in detail your experience and background with respect to the regulations governing IRC Section 457 specifically.	
44.	Indicate if you have attorneys on staff who could be used as resources by the City for the purpose of researching inquiries regarding statutes and regulations relevant to Section 457, whether any of these attorneys are licensed to practice law in the State of California, and what qualifications or limitations you would place on the information provided by your legal advisors with respect to that information.	
45.	Explain how you would be proactive in notifying the City of potential regulatory/compliance issues or changes that must be made to the City's governing documents in order to adapt to changing requirements. Describe what you would propose in terms of process in order to regularly review such regulatory issues relative specifically to the City's governing documents and to notify the City of necessary actions.	
46.	Describe any experience your firm has in either pre-testing for an Internal Revenue Service (IRS) audit or in assisting plan sponsors in navigating an actual IRS audit. Describe any proactive efforts your firm has made to assist a client in identifying potential audit risks. If you have assisted a plan sponsor in an audit, provide details regarding the plan sponsor, time of audit, and nature of assistance you provided.	
Plan Procurement and Contractual Services – Third-Party Administration (TPA)		
47.	Discuss your experience in the design of public sector Requests for Proposal (RFP) for defined contribution plan administration (including recordkeeping, communication, and enrollment services). Describe your typical development process for this type of RFP, including gathering of plan data, establishing timelines, typical number of questions posed, etc.	
	a. In 2017, 2018, & 2019, how many such RFPs have the staff, who will be assigned to the City's account, helped to develop? Explain each team member's specific role in developing the RFP. For each, please indicate:	

	<ol style="list-style-type: none"> 1. Plan 2. Plan type (e.g. Section 457, 401(k), etc.) 3. Approximate number of participants and assets 	
48.	Describe resources and deliverables relative to the search processes described in the prior question, including the development of vendor questions, reviewing responses, and generating summary results for clients. Describe typical reporting/scoring/analysis for this type of procurement and include sample deliverables for the same (no more than five sample pages – not required to be exhaustive).	
49.	Describe your experience in assisting plan sponsors in developing preliminary provider surveys for the purpose of assisting in the process of developing a final procurement (e.g. the use of a Request for Information in advance of the issuance of a Request for Proposal). What is your experience in going to providers to get feedback on potential services and in obtaining feedback for a Request for Information?	
Plan Procurement and Contractual Services – Non-TPA		
50.	Discuss your experience in the design of public sector Requests for Proposal (RFP) for defined contribution plan financial audit services, financial education services, and investment advisory services. Describe your typical development process for each type of RFP, including gathering of plan data, establishing timelines, typical number of questions posed, etc.	
51.	<p>b. In 2017, 2018, & 2019, how many such RFPs of each type have the staff, who will be assigned to the City’s account, helped to develop? Explain each team member’s specific role in developing the RFP. For each, please indicate:</p> <ol style="list-style-type: none"> 1. Plan 2. Plan type (e.g. Section 457, 401(k), etc.) 3. Approximate number of participants and assets 	
52.	Describe resources and deliverables relative to the search processes described in the prior question, including the development of vendor questions, reviewing responses, and generating summary results for clients. Describe typical reporting/scoring/analysis for this type of procurement and include sample deliverables for the same (no more than five sample pages – not required to be exhaustive).	
53.	Describe your experience in assisting plan sponsors in developing preliminary provider surveys for the purpose of assisting in the process of developing a final procurement (e.g. the use of a Request for Information in advance of the issuance of a Request for Proposal). What is your experience in going to providers to get feedback on potential services and in obtaining feedback for a Request for Information?	
Benchmarking Analysis		
54.	Describe the primary data/metrics that defined contribution plan sponsors should utilize to benchmark the success of their programs.	
55.	Describe what plan sponsor data you have access to that would enable the City to benchmark its program against similar employer programs.	
Financial Analysis		
56.	Describe your services with respect to defined contribution plan cost analysis, to include tracking/monitoring of ongoing costs, quantitative cost/ analysis of plan design changes, effect of specific legislative proposals, and other plan	

	sponsor cost analysis. Provide/describe specific examples of how you performed this type of work for other clients.	
57.	Describe your services with respect to assisting plan sponsors in budget preparation, including but not limited to cost trends and multiple year projections and analysis of special costs. Provide/describe specific examples of how you performed this type of work for other clients.	
58.	Please describe the type of data, spreadsheets, assumptions, underlying formulas, and calculations that you have used to complete any financial analysis for your clients. Describe any limitations you have with respect to providing the City with all data, spreadsheets, assumptions, underlying formulas and calculations used to complete any financial analysis performed in support of the City's programs.	
Training Services		
59.	Describe the resources available through your firm for on-site training programs on legislative updates, laws, and regulations.	
60.	Describe any formal on-site training programs of a complex defined contribution plan topic you have developed and provided for a plan sponsor. Provide a sample of the materials presented to the plan sponsor. If you have not developed/provided them in the past, indicate whether you could do so and whether you would bill the City for the development cost.	
Miscellaneous Services		
61.	Indicate whether you will attend meetings of the City, including the Board and Committee meetings, and whether the cost of attending those meetings is or is not included within your billings and is or is not driven by the number of individuals attending on behalf of your firm.	
62.	List any characteristics of your firm that you feel make it unique from other defined contribution plan consulting firms.	
63.	Describe any areas of service that were not described in the scope of work that you would recommend be added to the defined contribution plan consulting services you would provide to the City.	
64.	Indicate whether you will allow the City to use your company webinar software for meetings and training. What is the associated fee, if any, for the use of this software? If applicable, how is the fee determined?	
FEES & GUARANTEES		
Fees & Charges – Plan Administration Consulting Services		
65.	<p><u>Fees – Hourly Rate Model</u></p> <p>Indicate by name your billable hourly rates for all staff to be assigned to the City's account for Plan Administration Consulting services. Mark "N/A" for any categories which are not applicable. Add additional categories you may use, which are not included in this table.</p> <ul style="list-style-type: none"> - Principal Consultant - Managing Consultant - Consultant - Associate/Analyst - Clerical - Other (please specify) <p>Please note that the City will not accept a fee structure which provides for</p>	

	<p>annual or other inflation/adjustments to hourly rates. A single set of rates must be proposed, which will be guaranteed for the length of the contract.</p> <p>Please note that the City will not pay for mileage, parking, travel, internal printing, and copying, or computer time as these are considered part of the normal cost of doing business.</p> <p>Finally, do not include California State sales tax in prices quoted unless otherwise requested. If requested, sales tax must be identified as being included in the pricing. Additionally, the City is exempt from the payment of excise taxes imposed by the Federal Government. Such taxes must not be included in the proposed prices. Federal excise exemption certificates will be furnished by the Department of General Services upon request.</p>	
66.	<p><u>Fees – Fixed Fee Model</u></p> <p>Indicate whether or not you would propose a fixed fee for the City's account, how that fixed fee would function, the amount of the fixed fee, and what would be included and not included under the fixed fee.</p> <p>Please indicate whether you are proposing a project based fixed fee structure. If so, please list projects that would typically be included under this project based fee structure.</p> <p>Please note that the City will not accept a fee structure which provides for annual or other inflation/adjustments to the price proposal. A single fixed fee must be proposed, which will be guaranteed for the length of the contract.</p> <p>Please note that the City will not pay for mileage, parking, travel, internal printing, and copying, or computer time as these are considered part of the normal cost of doing business.</p> <p>Finally, do not include California State sales tax in prices quoted unless otherwise requested. If requested, sales tax must be identified as being included in the pricing. Additionally, the City is exempt from the payment of excise taxes imposed by the Federal Government. Such taxes must not be included in the proposed prices. Federal excise exemption certificates will be furnished by the Department of General Services upon request.</p>	
67.	<p><u>Fees – Hybrid Hourly/Fixed Fee Model</u></p> <p>Indicate whether or not you would propose a hybrid hourly/ fixed fee model for the City's account. If so, provide all of the information for both the hourly and fixed fee components requested in prior questions.</p>	
68.	<p><u>Fees – Miscellaneous</u></p> <p>Indicate all other fees you potentially charge that are not included in or specifically excluded by the City from the pricing models outlined above. Please note the City does not pay commission fees, as such proposals that include the refund of commission fees will be considered non-responsive.</p>	

COMMUNICATIONS CONSULTING SERVICES EXPERIENCE AND QUALIFICATIONS		
	Confirm that your firm plans to provide these services, and then continue to provide answers to the questions in this section <u>or</u> explain why your firm is not proposing these services.	
Communications Strategies, Processes, & Project Management		
69.	How long has your company provided Communications Consulting services for defined contribution plans?	
70.	<p>Who will provide plan Communications Consulting services to the City? For each individual providing these services, please indicate:</p> <ul style="list-style-type: none"> • The name, position, resume, employment date(s) with your organization, geographic location, and a description of duties for each employee who is expected to work on this contract during its duration. • Detail each individual’s expertise and background in providing plan communications consulting for public sector employers and/or large private sector employers. • The expected availability and number of hours per day, month, and year each employee will be assigned to work on this contract and organization chart. • If there is more than one individual, indicate who will be the lead consultant and fully describe their roles and areas of expertise, including providing a listing of other clients handled by that individual. 	
71.	Describe any changes in direct management – the day-to-day staff who provide the administrative, information technology, and other direct management of the account – over the last two years. For the work unit(s) that you would propose servicing the City’s Plan, what was the total staff turnover for 2017, 2018, and 2019? Provide the number of full-time employees and percent of staff turnover.	
72.	Describe in detail what you regard to be the essential elements of an optimal communications/engagement strategy development process and campaign. Provide specific examples of successful communications/engagement strategies that you developed for clients and the results of those strategies.	
73.	Describe in detail your approach to work plan development and project management with respect to overseeing various communications objectives and projects. What processes do you employ in terms of communicating with your clients, setting and managing expectations and objectives, meeting deadlines, and providing deliverables?	
74.	Indicate your philosophy and practice related to the testing of communication concepts. How do you test for efficacy? What role does testing play in the development process? Describe any experience you have in developing and conducting focus group evaluations or other type of audience research.	
75.	The communication challenges faced by the City are consistent with those faced by plan sponsors having to translate a similar level of complexity to a large and diverse workforce. The City’s various sub-populations have varying characteristics, including work location, work shift, plan literacy, computer/web access, etc. Describe your experience in developing communications for plan sponsor environments with similar levels of complexity and what strategies you use to help manage that complexity and translate essential information to individuals. How did you measure the efficacy of the communications you developed?	

76.	Describe the resources you can make available to the City for the purpose of expert technical legislative review of communication materials. Describe in detail your experience and background with respect to state and federal regulations governing IRS Section 457.	
77.	Describe any areas of service that were not described in the scope of work that you would recommend be added to the communications consulting services you would provide to the City.	
Communications Deliverables		
78.	Describe in detail what you regard to be the essential elements of an optimal communications product/material. Provide specific examples of what you consider to be an optimal communications product/material.	
79.	Describe your experience in developing defined contribution plan-related communication materials, including presentation materials, plan website content, newsletters, videos, webinars, custom or targeted communications, or other materials. Provide at least three examples of these materials.	
80.	Provide a sample work plan outline for development of communication materials for the City, to include milestone targets and deliverables.	
81.	Provide two examples of an innovative communication campaign and related materials you have developed or assisted in developing regarding a new or existing plan program. Explain the initial communications challenge/objective you identified, the process by which you worked with your client, how you identified and resolved obstacles to implementation, and how you assessed the success of the communication materials. Provide samples of the work-plans and materials you produced.	
82.	Provide your best example of a communication material you developed which you feel clearly and effectively explains a complex defined contribution plan provision. Please describe the following in relation to this communication piece: <ul style="list-style-type: none"> a. What was your development process? b. What was the project timeline? c. How did you measure efficacy? 	
83.	Describe the resources you use for conducting quality and compliance control processes and ensuring the accuracy of the communication materials you develop. Provide a sample project timeline or flowchart.	
84.	Describe your experience in developing or conducting employee assessments, including surveys, focus groups, and other means of obtaining feedback from end-users of programs and communication materials. Describe any unique qualifications/experience you have in survey and/or focus group development. Explain how you would conduct a survey and/or focus group development process for which you were given primary responsibility for project oversight and how you would work with the City to administer an effective survey and/or focus group. Provide examples of surveys and/or focus groups you have developed for clients, how those surveys were used, and the results of those surveys.	
85.	Communications now often involves the use of a variety of communication venues (e.g. print, social media, web-video, interactive applications, or other web-based communication and educational tools) made available through a variety of technologies. Describe your experience in developing concepts or recommendations for communication strategies built around multiple communication delivery methods. If you have assisted in developing them,	

	provide samples of no more than three communication materials you have produced.	
86.	Describe the resources you use for art development for specific communication pieces. Indicate whether those resources are directly employed by your firm, sub-contracted, or reached through affiliation. Provide two samples of designs you considered to be particularly innovative or engaging.	
87.	Describe the resources you use for generating copy (writing) for use in communication materials. Indicate whether those resources are directly employed by your firm, sub-contracted, or reached through affiliation. Provide two samples of copy for which you performed all or virtually all of the writing and which you considered to be particularly innovative or engaging.	
Miscellaneous Services		
88.	Indicate whether you will attend meetings of the City, including Board and Committee meetings as needed, and whether the cost of attending those meetings is included within your billings and is driven by the number of individuals attending on behalf of your firm.	
89.	List any characteristics of your firm that you feel make it unique from other communications consulting firms.	
90.	Describe any areas of service that were not described in the scope of work that you would recommend be added to the communications consulting services you would provide to the City.	
FEES & GUARANTEES		
Fees & Charges – Communications Consulting Services		
91.	<p><u>Fees – Hourly Rate Model</u></p> <p>Indicate by name your billable hourly rates for all staff to be assigned to the City’s account for communications consulting services. Mark “N/A” for any categories which are not applicable. Add additional categories you may use, which are not included in this table.</p> <ul style="list-style-type: none"> - Principal Consultant - Managing Consultant - Consultant - Associate/Analyst - Clerical - Other (please specify) <p>Please note that the City will not accept a fee structure which provides for annual or other inflation/adjustments to hourly rates. A single set of rates must be proposed, which will be guaranteed for the length of the contract. Please also note that the City will not pay for mileage, parking, travel, internal printing, and copying, or computer time as these are considered part of the normal cost of doing business.</p> <p>Finally, do not include California State sales tax in prices quoted unless otherwise requested. If requested, sales tax must be identified as being included in the pricing. Additionally, the City is exempt from the payment of excise taxes imposed by the Federal Government. Such taxes must not be included in the proposed prices. Federal excise exemption certificates will be furnished by the Department of General Services upon request.</p>	

92.	<p><u>Fees – Fixed Fee Model</u></p> <p>Indicate whether or not you would propose a fixed fee for the City’s account, how that fixed fee would function, the amount of the fixed fee, and what would be included and not included under the fixed fee.</p> <p>Please indicate whether you are proposing a project based fixed fee structure. If so, please list projects that would typically be included under this project based fee structure.</p> <p>Does your firm provide any “pass on” expenses for communication services? List all other fees you potentially charge for, including pass on fees for communication development or art development. Describe all out of scope services and their associated fees. Please note that the City will not accept a fee structure which provides for annual or other inflation/adjustments to the price proposal. A single fixed fee must be proposed, which will be guaranteed for the length of the contract.</p> <p>Please note that the City will not pay for mileage, parking, travel, internal printing, and copying, or computer time as these are considered part of the normal cost of doing business.</p> <p>Finally, do not include California State sales tax in prices quoted unless otherwise requested. If requested, sales tax must be identified as being included in the pricing. Additionally, the City is exempt from the payment of excise taxes imposed by the Federal Government. Such taxes must not be included in the proposed prices. Federal excise exemption certificates will be furnished by the Department of General Services upon request.</p>	
93.	<p><u>Fees – Hybrid Hourly/Fixed Fee Model</u></p> <p>Indicate whether or not you would propose a hybrid hourly/fixed fee model for the City’s account. If so, provide all of the information for both the hourly and fixed fee components requested in prior questions.</p>	
94.	<p><u>Fees – Miscellaneous</u></p> <p>Indicate all other fees you potentially charge that are not included in or specifically excluded by the City from the pricing models outlined above. Please note the City does not pay commission fees, as such proposals that include the refund of commission fees will be considered non-responsive.</p>	
PERFORMANCE GUARANTEES		
All firms are required to respond to questions in this section.		
95.	Please indicate what performance guarantees your company would provide and any associated financial penalties associated with some or all of them.	
ADDITIONAL INFORMATION		
All firms are required to respond to questions in this section.		
96.	Provide any additional information your firm believes is essential for the evaluation of your proposal. If there is no additional data your company wishes to present, state the following: “There is no additional data we wish to present.”	

SECTION 4

PROPOSAL FORMAT AND SUBMISSION REQUIREMENTS

Proposals must be based only on the material contained in the RFP, Pre-Proposal Conference responses, amendments, addenda, and other material published by the City relating to the RFP. The Proposer must disregard any previous RFP draft material. Proposals must be submitted in accordance with the requirements set forth in this RFP.

4.0 ADDENDUM(A)

The City reserves the right to issue addendum(a) to this RFP, which may add additional requirements that must be met in order for a proposal to be considered responsive. All Proposers must acknowledge any addendum(a) issued as a result of any change in this RFP on the Proposer Signature Declaration Page. Failure to indicate receipt of addendum(a) may result in a proposal being rejected as non-responsive and eliminated from further consideration in the evaluation process.

4.1 IN WRITING

All proposals must be submitted in writing, and Proposers shall complete and return any and all applicable documents including but not limited to written responses, questionnaires, forms, appendices, spreadsheets, and any electronic files. The City may deem a Proposer non-responsive if the Proposer fails to provide all required documentation, copies, or electronic files. A non-responsive designation will eliminate a Proposer from further consideration in the evaluation process.

4.2 COVER LETTER

Each proposal must include a cover letter limited to two pages. The cover letter must include the title, address, email address, and telephone number of the person or persons who will be authorized to represent the Proposer.

4.3 BEST OFFER

The proposal shall include the Proposer's best terms and conditions. Submission of the proposal shall constitute a firm and fixed offer to the City that will remain open and valid for a minimum of 12 months from the submission deadline.

4.4 AUTHORIZED SIGNATURES

Proposals must be signed by a duly authorized officer eligible to sign contract documents and authorized to bind the company to all commitments made in the proposal. A non-officer individual, with the authority to bind the Proposer to a contract, is sufficient to sign all applicable documents for the purpose of this RFP. Consortiums, joint ventures, or teams submitting proposals will not be considered responsive unless it is established that all contractual responsibility rests solely with one Proposer or one legal entity. The proposal must identify the responsible entity.

4.5 NUMBER OF PROPOSAL COPIES REQUIRED

Proposers are required to submit:

- One original written proposal sent to the City of Los Angeles proposal delivery address which includes all required responses to Part A and Part B, with all documents signed in ink.
- One copy of the written proposal sent to the City of Los Angeles proposal delivery address which includes all required responses to Part A only.
- One electronic (USB drive) copy of your Part A and Part B responses in Adobe PDF, Microsoft Word, and (questionnaire only) Microsoft Excel formats.

Original and copies should be identified as such. If any proposal contains any trade secrets or other proprietary information that the Proposer claims is exempt from disclosure under the California Public Records Act (see Section 6.0 of this RFP), then one (1) redacted copy of the proposal must also be submitted in addition to the original version. Written proposals must be presented in a sealed envelope or box. Proposer must enter the title and Proposer's name on the outside of the envelope or box. Sealed proposals are to be delivered to the address listed in this RFP no later than the stated Proposal Submission Deadline.

Certain efficiencies in how proposals are prepared and submitted are requested in order to facilitate the review, storage, and recycling processes for proposal materials. Economy in presentation and packaging is preferred over materials which are not easily reproduced, create unnecessary waste, or are awkward to store. **Please do not submit materials in plastic binders.** Each response should have the bulk of its contents prepared on standard 8½ x 11 paper. Non-essential promotional materials and over-sized materials should be avoided wherever possible except as otherwise requested within the RFP.

4.6 ELECTRONIC (USB DRIVE) SUBMISSION

In addition to the written copies of the proposal, Proposers are required to provide a copy of the proposal in Adobe PDF, Microsoft Word, and/or (questionnaire only) Microsoft Excel format on a USB flash drive. Redacted versions should be sent separately and

identified as such. The USB flash drive containing the proposal versions should be labeled with the firm name and title of this RFP and placed in a sealed envelope with the firm's name written across the front of the envelope and attached or affixed to the original RFP response.

4.7 INFORMATION REQUESTED AND NOT FURNISHED

The information requested and the manner of submission are essential to permit prompt evaluation of all proposals. Accordingly, the City reserves the right to declare as non-responsive and reject any proposals in which information is requested and is not furnished or when a direct or complete answer is not provided.

4.8 ALTERNATIVES

The Proposer shall not change any wording in the RFP or associated documents. Any explanation or alternatives offered shall be submitted in a letter attached to the front of the proposal documents. Alternatives that do not substantially meet the City's requirements cannot be considered. Proposals offered subject to conditions and/or limitations may be rejected as non-responsive and eliminated from further consideration in the evaluation process.

4.9 PROPOSAL ERRORS

The Proposer is responsible for all errors or omissions incurred by Proposer in preparing the proposal. The Proposer will not be allowed to amend proposal documents after the Proposal Submission Deadline, except as allowed by the City in writing. The City reserves the right to allow Proposers to make corrections. The City reserves the right to make corrections or amendments due to errors identified in the proposal by the City or the Proposer. This type of correction or amendment will only be allowed for typographical errors, transposition, or other clear and apparent errors. Any changes will be dated and time stamped, and attached to the proposal. All changes must be coordinated in writing with, authorized by, and made by the City.

4.10 PROPOSAL CLARIFICATION

At any phase of the evaluation process, the City reserves the right to request Proposers clarify information provided in RFP responses, including clarification of assumptions used in the RFP response. All clarifications must be coordinated in writing with, authorized by, and made by the City. Clarifications must be submitted in writing by the requested deadline; otherwise the RFP response will be deemed non-responsive or evaluated without the benefit of the clarification requested.

If the City determines that all Proposers failed to submit requested information or adequately respond to the same RFP question or request for data, the City may, at its discretion, issue an RFP Addendum and provide all Proposers with an opportunity to provide a response to the RFP question. Responses to RFP Addendum questions must

be submitted in writing by the stated deadline; otherwise, the RFP response will be deemed non-responsive or evaluated without the benefit of the clarification requested.

4.11 WAIVER OF MINOR ADMINISTRATIVE IRREGULARITIES

The City reserves the right, at its sole discretion, to waive minor administrative irregularities contained in any proposal.

4.12 INTERPRETATION AND CLARIFICATIONS OF RFP REQUIREMENTS

The City will consider prospective recommendations or suggestions regarding any requirements before the Pre-Proposal Conference. All recommendations or suggestions must be in writing and submitted to the RFP Administrator. The City reserves the right to modify or amend any and all requirements of the RFP.

4.13 PROPOSAL SUBMISSION DEADLINE

Timely submission of proposals is the sole responsibility of the proposer. The City reserves the right to determine the timeliness of all submissions. The proposals, including all hard copies, redacted copies and electronic copies of the final proposals and proposal questionnaire must be received by the RFP Administrator by the deadline indicated on page one of this RFP.

Please note that all persons and materials entering the Employee Benefits Division's City Hall location must go through a security check. Proposers should allow ample time to clear security in order to meet the deadline listed above. All proposals will be date and time stamped upon receipt.

4.14 LATE PROPOSALS

Proposals submitted after the Proposal Submission Deadline (i.e. not received and time stamped by the Employee Benefits Division by the Proposal Submission Deadline) shall be considered late. Late proposals will not be considered and shall be eliminated from further consideration in the evaluation process.

4.15 COST OF RFP

The City is not responsible for any costs incurred by Proposer while submitting proposals. All Proposers who respond to the RFP do so solely at their own expense.

4.16 WITHDRAWAL OF PROPOSALS

Proposer may withdraw a submitted proposal in writing at any time prior to the Proposal Submission Deadline. A written request, signed by an authorized representative of the Proposer, must be submitted to the RFP Administrator. After withdrawing a previously

submitted proposal, the Proposer may submit another proposal at any time up to the Proposal Submission Deadline.

4.17 SELECTION OF PROPOSER

The Proposer with the highest score based on the RFP criteria and who also satisfies all City contracting requirements will be recommended for selection. Selection is not restricted to the lowest offer or bid. Should contract negotiations not be successful with the selected Proposer, the City may, based on its exclusive discretion, negotiate with the next most qualified Proposer or cancel the RFP selection process.

4.18 REJECTION OF PROPOSALS

The City reserves the right to reject any or all proposals; to waive any minor informality in proposals received; to reject any unapproved alternate proposal(s); and to reject the proposal of any Proposer who has previously failed to perform competently in any prior business relationship with the City and/or is determined to be non-responsive to the requirements of this RFP. The rejection of any or all proposals will not render the City liable for costs or damages.

4.19 RFP WITHDRAWAL, CANCELLATION, OTHER OPTIONS

The City reserves the right to withdraw or cancel the RFP at any time, if it deems such action necessary. If such action is taken, the City may re-issue the RFP. The City also reserves the right to contract with more than one respondent to this RFP. Furthermore, the City may exercise its right to not select any Proposer from this RFP, if it determines that there was no responsive Proposer.

If an inadequate number of proposals are received or the proposals received are deemed non-responsive, not qualified, or not cost effective, the City may, at its sole discretion, reissue the RFP or award a sole-source contract with any qualified Proposer. The award of the contract is subject to the successful negotiation of the terms and conditions of an agreement.

The City reserves the right to verify all information in the proposal. If the information cannot be verified, the City reserves the right to reduce the rating points awarded for such information as part of the evaluation process, which is further discussed in Section 5 of this RFP. The City reserves the right to require a pre-award interview and/or site inspection.

4.20 CONTRACT EVALUATION PROGRAM

When the term of the contract pursuant to this RFP has concluded, the City will conduct an evaluation of the Contractor's performance. The City may also conduct evaluations of the Contractor's performance during the term of the contract. As required by Section 10.39.2 of the Los Angeles Administrative Code, evaluations will be based on specified

criteria, including the quality of the work product or service performed, the timeliness of performance, financial issues, and the expertise of personnel that the Contractor assigns to the contract. A Contractor who receives a “Marginal” or “Unsatisfactory” rating will be provided with a copy of the final City evaluation and allowed fourteen (14) calendar days to respond. The City will use the final City evaluation and any response from the Contractor to evaluate proposals and to conduct reference checks when awarding future service contracts.

4.21 LOBBYING LAW COMPLIANCE

Proposers bidding for a contract, as defined in Los Angeles Administrative Code Section 10.40.1, shall submit with their bid the Bidder Certification Form CEC 50 as prescribed by the City Ethics Commission acknowledging and agreeing to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance (Los Angeles Municipal Code Section 48.01 et seq.).

This ordinance serves to identify persons engaged in compensated lobbying activities aimed at influencing decisions of City government. Additional information regarding these restrictions may be obtained from the City Ethics Commission at (213) 978-1960 or <http://ethics.lacity.org/>.

4.22 CAMPAIGN CONTRIBUTIONS

Proposers are subject to Charter Section 470(c)(12) and related ordinances. As a result, Proposers may not make campaign contributions to and or engage in fundraising for certain elected City officials or candidates for elected City office from the time they submit the proposal until either the contract is approved or, for successful Proposers, twelve months after the contract is signed. The Proposer’s principals and subcontractors performing \$100,000 or more in work on the contract, as well as the principals of those subcontractors, are also subject to the same limitations on campaign contributions and fundraising.

Proposers must submit CEC Form 55, provided in the Part B materials, to the awarding authority at the same time the Proposal is submitted. The Form requires Proposers to identify their principals, their subcontractors performing \$100,000 or more in work on the contract, and the principals of those subcontractors. Proposers must also notify their principals and subcontractors in writing of the restrictions and include such notice in contracts with subcontractors. Proposals submitted without a completed CEC Form 55 shall be deemed non-responsive and eliminated from further consideration in the evaluation process. Proposers who fail to comply with City law may be subject to penalties, termination of contract, and debarment. Additional information regarding these restrictions and requirements may be obtained from the City Ethics Commission at (213) 978-1960 or <http://ethics.lacity.org/>.

4.23 BUSINESS INCLUSION PROGRAM (BIP) REQUIREMENTS

It is the policy of the City to provide Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE), Emerging Business Enterprise (EBE), Disabled Veteran Business Enterprise (DVBE), and all Other Business Enterprise (OBE) concerns an equal opportunity to participate in the performance of all City contracts. Proposers will assist the City in implementing this policy by taking all reasonable steps to ensure that all available business enterprises, including MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs, have an equal opportunity to compete for, and participate in, City contracts. Equal opportunity will be determined by the Proposer's BIP outreach documentation, as described in Part B and the Business Inclusion Program for this RFP. Participation by MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs may be in the form of subcontracting. Proposers must refer to the Business Inclusion Program attachment to this RFP for additional information and instructions. BIP outreach must be performed using the Business Assistance Virtual Network (www.labavn.org). A Proposer's failure to utilize and complete their BIP Outreach, as described in Part B will result in their proposal being deemed non-responsive and shall disqualify the proposal from further consideration in the elevation process. **Schedule A of the Business Inclusion Program requirements is required to be submitted even if a Proposer does not receive any response from sub-contractors to its solicitation. The Schedule A form is NOT available and cannot be submitted electronically on LABAVN where the outreach is conducted; a hardcopy, as provided in the Standard Provisions, must be printed and submitted with original signatures by the Proposal Submission Deadline. Please note this RFP's published deadline for submitting the BIP Summary Sheet on www.labavn.org.**

4.24 LOCAL BUSINESS PREFERENCE PROGRAM ORDINANCE

Proposers are advised that any proposal submitted and/or contract awarded pursuant to this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.47, Local Business Preference Program (LBPP) Ordinance. The City is committed to maximizing opportunities for local businesses, as well as encouraging local businesses to locate and operate in Los Angeles County. The LBPP Ordinance allows the Department to apply additional points to the Proposer's final score under certain conditions. Proposers shall refer to Part B, "Local Business Preference Program," for further information regarding the requirements and application of the Ordinance.

If applicable, Proposers may choose to complete and upload the Local Business Certification Affidavit of Eligibility available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at www.labavn.org prior to the Proposal Submission Deadline. The City may request supporting documentation to verify qualification for designation as a Local Business. Only those Proposers who apply and qualify for a Local Business designation (or otherwise qualify by using a qualified Local Subcontractor) by the Proposal Submission Deadline will be made eligible for additional points that can be awarded under the ordinance.

4.25 CONFIDENTIALITY

Proposers seeking additional information regarding the requirements of the Local Business Preference Program Ordinance may visit the Department of Public Works, Bureau of Contract Administration website at <http://bca.lacity.org>.

All documents, records, and information provided by the City to the Contractor, or accessed or reviewed by the Contractor, during performance of the services will remain the property of the City. All documents, records, and information provided by the City to the Contractor, or accessed or reviewed by the Contractor and any of its employees during performance of services, are confidential (hereinafter collectively referred to as "Confidential Information"). The Contractor agrees not to provide Confidential Information, nor disclose its content or any information contained in it, either orally or in writing, to any other person or entity. The Contractor agrees that all Confidential Information used or reviewed in connection with the Contractor's work for the City will be used only for the purpose of carrying out City business and cannot be used for any other purpose. The Contractor will be responsible for protecting the confidentiality and maintaining the security of City documents and records in its possession.

Any Confidential Information provided by the City to the Contractor, or accessed or reviewed by Contractor, during performance of services, will be made available to its employees, agents, and subcontractors only on a need to know basis. Further, the Contractor will provide written instructions to all of its employees, agents, and subcontractors, with access to the Confidential Information about the penalties for its unauthorized use or disclosure.

The Contractor must not remove Confidential Information or any other documents or information used or reviewed in connection with the Contractor's work for the City from City facilities without prior approval from the City. At no cost to the City, the Contractor will, at the conclusion of services, or at the request of the City, promptly return in an organized manner that preserves and protects the documentation, any and all Confidential Information and all other written materials, notes, documents, or other information obtained by the Contractor during the course of work under the contract. The Contractor will not make or retain copies of any such information, materials, or documents. The Contractor and its employees, agents, and subcontractors may have access to confidential employee personnel information; misuse of such information may adversely affect the subject individual's civil rights and may violate various federal and State statutes. The Contractor will implement reasonable and prudent measures to keep secure employee personnel information accessed by its employees, agents, and subcontractors during the performance of services. The Contractor will advise its employees, agents, and subcontractors of this confidentiality requirement.

The Contractor shall disclose the intent to use any service provider outside the continental United States of America to handle any aspect of the work within the scope of services, and shall describe to the City's satisfaction the methods, which will be utilized to protect

the City's interests and confidentiality of City records and information in doing so. The City reserves the right to approve any such service provider throughout the term of the contract at its sole and absolute discretion.

Any breach of security that occurs through Contractor's website, offices, or network shall require Contractor to be responsible for notifying City and all affected by such breach. Contractor shall also be responsible for all costs associated with such notification. The Contractor shall indemnify the City for any breaches of its security and the improper disclosure of confidential information.

4.26 GOVERNMENT TAXATION FORMS

Proposers must submit the following three forms found in Part B to the awarding authority at the same time the Proposal is submitted:

- IRS Request for Taxpayer Identification and Certificate (Form W-9)
- Evidence of having obtained or applied for a tax registration account number (City of L.A. Tax Registration Certificate number and/or Vender Registration number)
- State of California Withholding Exemption Certificate (Form 590) or Non-resident Withholding Certification (Form 587), if the Proposer is located outside of California.

4.27 ONLINE SUBMISSION OF REQUIRED DOCUMENTS

4.27.1 Equal Benefits Ordinance

Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2.1, Equal Benefits Ordinance (EBO).

All proposers shall complete and upload the Equal Benefits Ordinance Affidavit (two (2) pages) available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at www.labavn.org prior to award of a City contract, the value of which exceeds \$25,000. The Equal Benefits Ordinance Affidavit shall be effective for a period of twelve months from the date it is first uploaded onto the City's BAVN. Proposers do not need to submit supporting documentation with their bids or proposals. However, the City may request supporting documentation to verify that the benefits are provided equally as specified on the Equal Benefits Ordinance Affidavit. Proposers seeking additional information regarding the requirements of the Equal Benefits Ordinance may visit the Department of Public Works, Bureau of Contract Administration website at <http://bca.lacity.org>.

4.27.2 First Source Hiring Ordinance

Unless approved for an exemption, contractors under contracts used primarily for the furnishing of services to or for the City and that involve an expenditure in excess of

\$25,000 and a contract term of at least three (3) months, and certain recipients of City Loans or Grants, shall comply with the provisions of Los Angeles Administrative Code Sections 10.44, et seq., First Source Hiring Ordinance (FSHO). Proposers shall refer to the City's "First Source Hiring Ordinance" included in Part B for further information regarding the requirements of the Ordinance. The First Source Hiring Ordinance Compliance Affidavit shall only be required of the Proposer that is selected for award of a contract.

4.27.3 Disclosure Ordinance (Slavery Disclosure Ordinance and Disclosure of Border Wall Contracting Ordinance)

Bidders/Proposers are required to complete a streamlined Disclosure Ordinance Affidavit web form that is located on the City of Los Angeles' Business Assistance Virtual Network (BAVN) at www.labavn.org. Bidders/Proposers are responsible for creating a BAVN profile and completing and submitting the affidavit. See below for additional details about the SDO and the DBWCO.

Slavery Disclosure Ordinance (SDO):

Unless otherwise exempt, in accordance with the provisions of the Slavery Disclosure Ordinance, any contract awarded pursuant to this RFP will be subject to the Slavery Disclosure Ordinance, Section 10.41 of the Los Angeles Administrative Code.

All Bidders/Proposers shall complete and submit the Slavery Disclosure Ordinance Affidavit available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at www.labavn.org prior to award of a City contract.

Bidders/Proposers seeking additional information regarding the requirements of the Slavery Disclosure Ordinance may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>.

Disclosure of Border Wall Contracting Ordinance (DBWCO):

Any contract awarded pursuant to this RFP is subject to the disclosure requirements of the Disclosure of Border Wall Contracting Ordinance (DBWCO), LAAC Section 10.50 et seq. Bidders/Proposers shall complete and submit a DBWCO Affidavit to www.labavn.org prior to contract execution.

Bidders/Proposers seeking additional information regarding the requirements of the DBWCO may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.

Disclosure of Contracts and Sponsorship of the National Rifle Association (NRA) Ordinance:

Any contract awarded pursuant to this RFP is subject to the disclosure requirements of the Disclosure of Contracts and Sponsorship of the National Rifle Association (NRA) Ordinance, LAAC Section 10.52 et seq. Bidders/Proposers shall complete and submit the NRA Affidavit to www.labavn.org prior to contract execution.

Bidders/Proposers seeking additional information regarding the requirements of the NRA Ordinance may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.

4.28 AMERICANS WITH DISABILITIES ACT

As covered under Title II of the Americans with Disabilities Act, the City does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its proposals, programs, services, and activities. If an individual with a disability requires accommodations to attend the Pre-Proposal Conference, please contact the RFP Administrator at least five working days prior to the scheduled event.

4.29 FAIR CHANCE INITIATIVE FOR HIRING ORDINANCE

City contractors and subcontractors with ten or more employees are prohibited under Los Angeles Administrative Code Section 10.48 from seeking a job applicant's criminal history information until a job offer is made and from withdrawing a job offer unless the employer performs an assessment of the applicant's criminal history and the duties of the position (contractors and subcontractors must also comply with State requirements regarding the use of criminal history information in the job application process). Contractors and subcontractors are required to include information regarding the ordinance in all job solicitations and advertisements and to post notices informing job applicants of their rights. Additional information and forms may be found at the Department of Public Works, Bureau of Contract Administration website at <http://bca.lacity.org/>.

4.30 IRAN CONTRACTING ACT OF 2010

In accordance with California Public Contract Code Sections 2200-2208, all bidders submitting proposals for, entering into, or renewing contracts with the City of Los Angeles for goods and services estimated at \$1,000,000 or more are required to complete, sign, and submit the "Iran Contracting Act of 2010 Compliance Affidavit."

4.31 BOND ASSISTANCE PROGRAM

For those contractors wishing to bid on City projects but who are experiencing difficulty obtaining the required bid, performance and payment bonds, the City of Los Angeles provides bonding assistance thru the Los Angeles Bond Assistance Program (BAP LA). For more information regarding the BAP LA, please go to the City's Risk Management website at <http://cao.lacity.org/risk>.

SECTION 5

EVALUATION OF PROPOSALS

5.0 REVIEW PROCESS

Proposals received by the Proposal Submission Deadline, as specified in this RFP, will be evaluated as outlined below.

5.0.1 Preliminary Review – Level One

Proposals will be reviewed to determine completeness of required documentation and compliance with the City's administrative and general contracting requirements. Proposers that fail to submit or complete required documentation and/or satisfactorily comply with the City's requirements will be deemed as non-responsive, eliminated from further consideration, and will not proceed to the Level Two review process. Proposers will be notified in writing or email regarding the results of the Level One review.

5.0.2 Proposal Evaluation – Level Two

A rating panel will be designated to evaluate and score the technical competence of all proposals and generate recommendations for selection to the Board. All written responses to the RFP questionnaire will be considered and evaluated. Following the Board's selection, the award of the contract is subject to successful negotiation of the terms and conditions of an agreement.

- 1) **Written Responses** – All written responses to the RFP questionnaire will be considered and evaluated. Proposers are not required to submit responses to questions in the consulting services category for which they are not offering services (for example, a Proposer who is proposing to offer Plan Administration Consulting services only is not required to respond to questions included in the Communications Consulting services category).
- 2) **Engagement Exercise(s)** – Qualified Proposers will be required to participate in one or more engagement exercises with the rating panel. An engagement exercise is an interactive discussion between the Proposer and the rating panel regarding a specific objective, administrative challenge, and/or policy initiative included within the Scope of Services of the RFP. The engagement exercise(s) will occur on a date to be determined by the City. Proposers will receive more detailed information with respect to the background, details, and questions for each topic prior to the engagement exercise(s). Proposers will not be permitted to discuss the qualifications of their firm at an engagement exercise; clarify or enhance written responses to the written portion of the RFP; or otherwise discuss any other

component of their RFP response or interest in securing business with the City. The engagement exercise is a uniquely scored component of the RFP consistent with all other topics and sub-topics comprising the scored written responses to the RFP. The City reserves the right to exclude from an engagement exercise those firms whose scores on the non-engagement exercise components of the RFP have rendered them unviable for selection.

The City’s staff reserves the right to request oral presentations of all of or the highest-ranked Proposers prior to generating its recommendation for selection to the Board. However, the evaluation and scoring of proposals will be based strictly on the Proposer responses to the RFP, and the scoring of the engagement exercise. Proposers will not be permitted to submit new materials or otherwise enhance their proposals as part of the oral presentation.

5.1 REVIEW CRITERIA

Evaluation of submitted proposals will be based on the following factors and the weights associated with each factor.

PLAN ADMINISTRATION CONSULTING SERVICES	
ORGANIZATIONAL QUALIFICATIONS & RELIABILITY	
Organizational Background, Experience, and Continuity	
External Agency Rating	
Regulatory and Contractual Actions	
Security Protocols, Disaster Recovery, and Guarantees	
	15%
PLAN ADMINISTRATION CONSULTING SERVICES EXPERIENCE AND QUALIFICATIONS	
Program/Plan Design and Administration	
Interpretive/Compliance Guidance	
Plan Procurement and Contractual Services	
Benchmarking Analysis	
Financial Analysis	
Training Services	
Miscellaneous Services	
	45%
FEES & GUARANTEES	
Fees & Charges – Plan Administration Consulting Services	
Performance Guarantees	
	20%
ENGAGEMENT EXERCISE(S)	
	20%
TOTAL	
	100%

COMMUNICATIONS CONSULTING SERVICES	
ORGANIZATIONAL QUALIFICATIONS & RELIABILITY	
Organizational Background, Experience, and Continuity	
External Agency Rating	
Regulatory and Contractual Actions	
Security Protocols, Disaster Recovery & Guarantees	
	15%
COMMUNICATIONS CONSULTING SERVICES EXPERIENCE AND QUALIFICATIONS	
Communications Strategies, Processes, & Project Management	
Communications Deliverables	
Miscellaneous Services	
	45%
FEES & GUARANTEES	
Fees & Charges – Communications Consulting Services	
Performance Guarantees	
	20%
ENGAGEMENT EXERCISE	
	20%
TOTAL	
	100%

5.2 PROPOSAL PROTEST

5.2.1 Level One – Preliminary Review

A proposer may file a protest regarding disqualification at the Level One review (see Section 5.0, “Preliminary Review – Level One”). A Notice of Protest must be filed in writing and submitted to the RFP Administrator within five (5) calendar days of the notification of disqualification date. The Notice of Protest must clearly state the grounds for the protest and the facts on which they are based. The Personnel Department will respond to a protest within 15 calendar days of receiving it. The decision of the Personnel Department General Manager will be final.

5.2.2 Level Two – Award of Contract Recommendation

Proposers may file a protest regarding the award of the contract recommendation submitted to the Board. A Notice of Protest must be filed in writing and submitted to the RFP Administrator within seven (7) calendar days of the date the City makes its final Proposer selections pursuant to this RFP. The Notice of Protest must clearly state the grounds for the protest and the facts on which they are based. A protest based on non-selection alone or disagreement with the award of the contract recommendation is not sufficient grounds for a protest.

Personnel Department staff will respond to a protest, in writing, within 20 calendar days of receiving it. Findings and/or recommendations will be submitted to the Board of Deferred Compensation Administration, and the decision of the Board will be final.

SECTION 6

GENERAL TERMS & CONDITIONS

6.0 PROPERTY OF CITY/PROPRIETARY MATERIAL

All proposals submitted in response to this RFP will become the property of the City of Los Angeles and subject to the California Public Records Act (California Government Code Section 6250 et seq). Proposers must identify all trade secrets or other proprietary information that the Proposers claim are exempt from the Public Records Act. The City Attorney will make an independent determination regarding whether the identified information is disclosable. In the event a Proposer claims such an exemption, the Proposer is required to state in the proposal the following:

“The Proposer will indemnify the City and its officers, employees, and agents, and hold them harmless from any claim or liability and defend any action brought against them for their refusal to disclose trade secrets or other proprietary information to any person making a request therefore.”

Failure to include such a statement will constitute a waiver of a Proposer’s right to exemption from this disclosure.

6.1 PRE-AWARD NEGOTIATIONS

Prior to award of the contract, the successful Proposer(s) may be required to attend negotiation meetings that will be scheduled at a later date. The intent of the meeting(s) will be to discuss and negotiate contract requirements, prices/premiums, service level agreements, detailed scope of work specifications, ordering, invoicing, delivery, receiving and payment procedures, etc. in order to insure successful administration of the contract.

6.2 EXECUTION OF CONTRACT

Unless otherwise stated, proposals submitted will be irrevocable for a period of 12 months following the Proposal Submission Deadline. A contract will be developed following action by the City.

Any contract made pursuant to this RFP must be accepted in writing by the Proposer. If for any reason the Proposer should fail to accept the contract in writing then the Proposer may be deemed non-responsive and the City may commence contract negotiations with another Proposer.

Please note that the City takes a legal approach whereby **all contracts contain an order of precedence. In the event of a discrepancy between the provisions of the**

Contractor's documents and the City's documents, the City's documents take precedence with respect to resolution of the discrepancy, unless otherwise provided.

6.3 AMENDMENTS/MODIFICATIONS/CHANGE ORDERS

Any amendments, adjustments, alterations, additions, deletions, or modifications in the terms and/or conditions of the resultant agreement must be made by written amendment/change order approved by the RFP Administrator, the Contractor, and signed by the City Attorney. If Contractor performs any modification without a written amendment/change order, the City will neither pay for nor be obligated to accept said modification.

6.4 PRIME CONTRACTOR

The Proposer awarded the contract must be the prime Contractor performing the primary functions of the contract. If any portion of the contract is to be subcontracted, it must be clearly set forth in the proposal document as to what part(s) are to be subcontracted, the reasons for the subcontracting, and a listing of subcontractors. The City reserves the right to reject any proposal wherein use of subcontractors significantly affects the ability of the Proposer to function as the prime Contractor on the awarded contract. The prime Contractor will at all times be responsible for the acts and errors or omissions of its subcontractors or joint participants and persons directly or indirectly employed by them.

6.5 SUBCONTRACTORS/JOINT VENTURES

Acceptance or rejection of a Proposer's request to use subcontractors is at the sole discretion of the City. With approval of the City, the Contractor may enter into subcontracts and joint participation agreements with others for the performance of portions of the resultant agreement.

The provisions of the resultant agreement will apply to all subcontractors in the same manner as to the Contractor. In particular, the City will not pay, even indirectly, the fees and expenses of subcontractors that do not conform to the limitations and documentation requirements of the resultant agreement.

6.5.1 Copies of Subcontractor Agreements

Upon request from the City, the Contractor will supply the City with all subcontractor agreements at no cost.

6.6 SUPPLIER PERFORMANCE FEEDBACK MEETINGS

The Proposer awarded the resulting agreement is required to attend periodic performance feedback meetings facilitated by the City. The meetings will focus on the Contractor's and the City's performance in fulfilling the service level requirements contained in the contract.

The meetings will provide a forum to informally discuss opportunities for improving contract terms and conditions, service level requirements, and cost reductions for both parties.

6.7 REPLACEMENT OF CONTRACTOR'S STAFF

The City reserves the right to have the Contractor replace any contract personnel with equally or better qualified staff upon providing written notice to Contractor. In addition, the City reserves the right to approve in advance any changes in project personnel or levels of commitment by the Contractor to the project.

6.8 CONTRACTOR'S ADDRESS

The address given in the proposal response will be considered the legal address of the Contractor and will be changed only by written notice to the City. The Contractor will supply an address to which certified mail can be delivered. The delivery of any communication to the Contractor personally, or to such address, or the depositing in the United States Mail, registered or certified with postage prepaid, addressed to the Contractor at such address, will constitute a legal service thereof. Also, telephone numbers, fax numbers, and email addresses (if applicable) must be provided.

6.9 TERM & OPTION TO REVIEW

The term of any contract(s) established pursuant to this RFP shall be for the period identified in the RFP Introduction. The City reserves the right in its sole discretion to seek an extension of the term of the contract.

6.10 STANDARD CONTRACT PROVISION REQUIREMENTS

Please carefully review the information contained in the City of Los Angeles Requirements and Checklist (Part B), including the Standard Provisions for City Contracts (Rev. 10/17). Compliance with these requirements and submission of necessary forms is **mandatory** at the time of submission of a proposal, prior to award of contract, or both. Accordingly, the **City reserves the right to declare as non-responsive and reject any proposals in which information is requested and not furnished or when a direct or complete answer is not provided.** These requirements will be discussed in detail at the Pre-Proposal Conference. Failure to comply with the requirements and accept the contract provisions will render proposals non-responsive and eliminate them from further consideration in the evaluation process.

6.11 GOVERNING LAW

All matters relating to the formation, validity, construction, interpretation, performance, and enforcement of the RFP and the resultant agreement/contract, must comply with all applicable laws of the United States of America, the State of California, and the City.

6.12 CALIFORNIA STATE SALES TAX

Do not include California State sales tax in prices quoted unless otherwise requested. If requested, sales tax must be identified as being included in the pricing.

6.13 CALIFORNIA STATE BOARD OF EQUALIZATION PERMIT

Proposer must enter the company's State of California Board of Equalization permit number on the proposal form. If the company does not have this permit, the Proposer must sign the proposal form declaring that the company has no California sales tax permit.

6.14 FEDERAL EXCISE TAXES

The City of Los Angeles is exempt from the payment of excise taxes imposed by the Federal Government. Such taxes must not be included in the proposed prices. The Department of General Services, upon request, will furnish Federal excise exemption certificates.

6.15 PERIODIC INDEPENDENT AUDIT

The City reserves the right to assign an independent auditor to assess the quality of services being provided and the extent to which the Proposer and its subcontractors are conducting City business within generally accepted industry standard practices. Each Contractor will be required to cooperate fully with any external audit.

6.16 FINANCIAL AUDIT

Firms providing services to the City will be responsible for the verification of the legitimacy of payments made to service providers and their subcontractors. The City, therefore, reserves the right for staff of its Office of the Controller or their designee to conduct audits of financial accountability procedures.

6.17 PROPOSER BACKGROUND INFORMATION

Proposers must submit contact information as requested in the Proposal Questionnaire.

6.18 VERIFICATION OF PRIOR CITY CONTRACTS

Proposers are required to provide a list of all City contracts held within the past ten years to be included in the response package for all bids and proposals. Performance on past contracts with the City of Los Angeles will be part of the evaluation criteria. Failure to disclose this information will deem the proposal non-responsive and disqualified from further consideration in the evaluation process.

6.19 HISTORY OF TERMINATED CONTRACTS

Proposers must describe any incident within the past ten years in which their business has had a contract terminated for default, as requested in the Proposal Questionnaire.

6.20 BUSINESS ORGANIZATION

The Proposer shall provide an overview of the entity submitting this RFP as requested in the Proposal Questionnaire.

6.21 PROPOSED SUBCONTRACTOR INFORMATION

If applicable to proposal, information must be provided for each proposed subcontractor as requested in the Proposal Questionnaire.

6.22 PROPOSER SIGNATURE DECLARATION

The Proposer shall provide a Signature Declaration as requested in the Proposal Questionnaire.

Attachment D

**PLEDGE FORM REGARDING CONFLICT OF INTEREST,
CONFIDENTIALITY, AND PROPOSER COMMUNICATIONS**

**City of Los Angeles Deferred Compensation Plan (DCP)
2020 Request for Proposals for the Following DCP Services:
Plan Administration and Communications Consulting**

As a participant in either the evaluation or decision-making process for the above-referenced procurement process for the DCP, I hereby assert the following:

1. I recognize it is my responsibility to act in accordance with ethical standards to assure the integrity of these Request for Proposals (RFP) evaluation and execution processes and to provide a fair and objective process for interested vendors by (a) making decisions in the best interests of the DCP's participants and beneficiaries using only the City's and DCP's adopted policies/practices relative to procurements as well as the specific criteria set forth in the RFP, and (b) developing or considering the designated review panel's evaluation and recommendations based on the information contained in vendor proposals, without regard to any other factor.
2. I do not have a financial or other interest, nor does any member of my immediate family¹ have a financial or other interest, in the outcome of this selection process or in any proposer or known subcontractor or their representatives.
3. I will bring to the attention of the DCP's Personnel Department staff any potential conflict of interest matter, including but not limited to conflict of current or previous employment or business relationships with a proposer or known subcontractor, immediately upon becoming aware of such matter and will comply with applicable legal requirements, which may include, among other things, complete withdrawal from the selection process should I have a conflict of interest.
4. I agree that, effective **January 1, 2020**, I will not meet or otherwise communicate privately with employees, representatives or registered lobbyists of any actual or potential bidder regarding these RFPs through the rendering of a final contract award, with the purpose or result of engaging in a conversation materially related to the vendor's securing business from the DCP. I understand that this provision does not limit my ability to acquire information from or otherwise communicate with staff.
5. If participating in the evaluation of vendor proposals as part of the rating panel, I agree to maintain strict confidentiality of the proposal evaluation and rating and the security of all documents pertaining thereto, and not to hold discussions nor divulge/accept information on any aspect of the evaluation of proposals outside the authorized participants in the proposal evaluation process until the vendor selection is made.

DCP Board/Staff Member Signature:

Signed: _____ Date: _____

Print Name: _____