
JULY 9, 2024

**AGENDA ITEM 5
INFORMATION ITEM**

CALIFORNIA ABLE ACT BOARD

Resolution No. 2024-02: Approval to issue a Request for Proposals No. ABLE 01-24 and enter into a Standard Agreement for 529A Program Consulting Services for the California ABLE Program

Recommendation

Staff recommends the Board adopt Resolution No. 2024-02, authorizing the Executive Director to issue a Request for Proposals No. ABLE 01-24 for 529A Program Consulting Services and enter into an agreement not to exceed the amount of \$310,000.

Background

The task of developing and implementing a savings program is complex work that requires a high level of knowledge and expertise with respect to the 529 and 529A industry and the laws to which it is subject. The California ABLE Act Board (“Board”) has limited staff resources. For these reasons, staff is recommending procuring the services of a qualified 529A program consultant to assist the Board with Program development and implementation, including, among other things, reviewing proposed regulations by providing subject matter expertise on 529A and other applicable laws and providing the Board with expertise on the 529A industry.

The term of the contract entered into pursuant to this Request for Proposals (“RFP”), if any, would be for a two-year period beginning December 1, 2024, through November 30, 2026. The total cost of services for this two-year period would not exceed \$310,000.00. At the Board’s sole discretion, there would be an option to extend this agreement for up to one (1) year, for a possible total term not to exceed three (3) years. The contract would require approval by the Department of General Services (“DGS”). In no event would services be performed prior to approval by DGS.

The Board has an existing contract with AKF Consulting Group, LLC, which is set to expire in November 2024. However, staff continues to have an ongoing need for these services.

Evaluation Process

All proposals will be reviewed by an evaluation committee. The initial review of the proposals will confirm that all information has been submitted in conformity with the

requirements of the RFP. The absence of required information may cause a proposal to be deemed nonresponsive and may result in the proposal's disqualification. Responsive proposals will then be scored according to the criteria listed in the RFP. The Experience/Expertise in 529 Program Consulting Services includes an optional interview in the final score. The scored categories and the corresponding weighting of each scored category is as follows:

- Background and Personnel Information: 20 points
 - Consulting Experience/Expertise in 529 or 529A Industry: 50 points
 - Cost: 30 points
- Total: 100 points**

Attachments

- Attachment #1 – Resolution No. 2024-02

RESOLUTION NO. 2024-02

RESOLUTION OF THE CALIFORNIA ABLE ACT BOARD RELATING TO THE APPROVAL TO ISSUE REQUEST FOR PROPOSALS NO. ABLE 01-24 AND ENTER INTO A STANDARD AGREEMENT FOR 529A PROGRAM CONSULTING SERVICES

WHEREAS, the California ABLE Act Board (the “Board”), pursuant to Section 4877(c)(2) of the Welfare and Institutions Code, has the power and authority to make and enter into contracts necessary for the administration of the ABLE Program Trust (“Program”) and engage personnel, including consultants, actuaries, managers, counsel, and auditors, as necessary for the purpose of rendering professional, managerial, and technical assistance and advice;

WHEREAS, Section 4877(d) of the Welfare and Institutions Code authorizes the Board to authorize the Executive Director to enter into contracts on behalf of the Board or conduct any business necessary for the efficient operation of the Board; and

WHEREAS, Section 4884 of the Welfare and Institutions Code requires the Board to market the Program to residents of the United States to the extent funds are available to do so; and

WHEREAS, the Board seeks to issue a Request for Proposals (“RFP”) to obtain the services of a 529A program consultant for the Program in an amount not to exceed \$310,000 for the entire term of the agreement.

WHEREAS, the Board seeks for the Executive Director to enter into a contract for services with the selected 529A program consultant pursuant to the RFP selection process and terms.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director of the Program is hereby directed and authorized under this resolution to prepare and take all steps necessary to issue RFP No. ABLE 01-24 and to subsequently enter into a Standard Agreement with the selected 529A program consultant pursuant to the RFP process. The total contract amount shall not exceed \$310,000 and will have a minimum term of two years, with an optional one-year extension.

Attest: _____
Thomas Martin, Executive Director

Date of Adoption: _____

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