
MAY 27, 2014

AGENDA ITEM 04
ACTION ITEM

CALIFORNIA SECURE CHOICE RETIREMENT SAVINGS INVESTMENT BOARD

Resolution No. 2014-03: Resolution of the California Secure Choice Retirement Savings Investment Board Relating to the Approval to Issue a Request for Proposals for Legal Services

Presenter

Grant Boyken

Recommendation

California Secure Choice staff recommends the Board adopt Resolution No. 2014-03 authorizing the Acting Executive Director to issue a Request for Proposal (RFP) for legal services and recommend the highest scoring responsive and responsible proposer to the Board for contract award.

Background

The purpose of this agenda item is to present for Board approval, an RFP for legal services related to the California Secure Choice Market Analysis and Feasibility Study.

At its January 27, 2014 meeting, the Board approved a plan to issue two separate RFPs to contract for services needed to complete the study. The Board directed staff to issue the RFP for legal services first, and to utilize the services of the law firm to advise Secure Choice staff on legal issues related to the market analysis, program design work and financial feasibility study.

With this RFP, the Board seeks a law firm experienced in relevant areas of federal and state laws to conduct the legal analysis, make program design recommendations, provide technical support for the legislative process if any further state or federal legislation is required to implement the Program, and draft ruling or opinion requests for submission to the U.S. Department of the Treasury and the U.S. Department of Labor (DOL).

Scope of Services

The scope of services requested in the RFP includes the following:

- Assist in obtaining a ruling from the Internal Revenue Service (IRS) that the Individual Retirement Account or Individual Retirement Annuity (collectively and individually, “IRA”) arrangements offered qualifies for the favorable federal income tax treatment ordinarily accorded to IRAs.
- Assist in obtaining an opinion from DOL that the Program is a not an employee benefit plan under the federal Employee Retirement Income Security Act (ERISA).
- Identify and advise on legal issues regarding the market analysis, feasibility study, and Program design.
- Coordinate its work with the Board’s other contractor(s) as appropriate or necessary.
- Recommend and assist with legislation or changes to the Program that will ensure or lead to favorable rulings or opinions from DOL and the IRS, and as otherwise may be advisable or required.
- Attend Board meetings (approximately one per month) and other meetings as requested.
- In all respects, represent the best interests of the Board and the State of California.

Minimum Qualifications

The RFP includes a list of minimum qualifications proposing law firms must have, including at least five years of experience with matters concerning IRAs and ERISA. In addition, proposers must have an office established in the State of California, and a lead attorney who is an active member of the State Bar of California.

Evaluation and Scoring

The evaluation committee will consist of Board member William Sokol, Secure Choice staff, and the State Treasurer’s Office under the interagency agreement with the Board. The highest scoring responsive and responsible proposer will be recommended to the Board for contract award.

Proposals will be scored based on the following criteria for a total possible maximum score of 100 points:

- Experience and Qualifications (40 points maximum)
- Work Plan and Work Schedule (30 points maximum)
- Cost (30 points maximum)

Key Dates

June 2, 2014 RFP available to prospective law firms

June 27, 2014 Final Date to Submit Proposals

July 28, 2014	Board approval of recommended proposal / Notice of Intent to Award
August 4, 2014	Proposed Award Date
September 1, 2014	Proposed Contract Start Date (pending DGS approval)

Attachment

Board Resolution No. 2014-03

RESOLUTION NO. 2014-03

**RESOLUTION OF THE CALIFORNIA SECURE CHOICE RETIREMENT SAVINGS
INVESTMENT BOARD RELATING TO THE APPROVAL TO ISSUE A
REQUEST FOR PROPOSALS FOR LEGAL SERVICES**

WHEREAS, the California Secure Choice Retirement Savings Investment Board (the “Board”) is established under SB 1234 (Chapter 734, 2012; codified under Government Code section 100000 et seq.) and mandated to conduct a market analysis to determine whether the necessary conditions for implementation of the California Secure Choice Retirement Savings Trust Act (the “Act”) can be met, provided that the Board shall conduct the market analysis only if sufficient funds to initiate and complete the required market analysis are made available through a nonprofit or private entity, or from federal funding;

WHEREAS, Government Code section 100042 provides, in part, that the Act shall become operative only if the Board determines that, based on the market analysis, the provisions of the Act will be self-sustaining, and funds are made available through a nonprofit or other private entity, federal funding, or an annual Budget Act appropriation in amounts sufficient to allow the Board to implement the Act until the California Secure Choice Retirement Savings Trust has sufficient funds to be self-sustaining;

WHEREAS, Government Code section 100043 provides that the Board shall not implement the California Secure Choice Retirement Savings Program (the “Program”) if the Individual Retirement Account or Individual Retirement Annuity (“IRA”) arrangements offered fail to qualify for the favorable federal income tax treatment ordinarily accorded to IRAs under the Internal Revenue Code, or if it is determined that the Program is an employee benefit plan under the federal Employee Retirement Income Security Act; and

WHEREAS, the Board wishes to issue a Request for Proposals (“RFP”) to contract with a law firm to provide the Board with legal services necessary to satisfy Government Code section 100043 and assist with legal issues concerning the necessary market analysis, program design, and feasibility study;

NOW, THEREFORE, BE IT RESOLVED that the Acting Executive Director is hereby directed and authorized to prepare and take whatever steps necessary to issue an RFP for legal services and recommend the highest scoring responsive and responsible proposer to the Board for contract award.

Attest: _____
Chairperson

Date of Adoption: _____