



# **REQUEST FOR PROPOSALS**

**Legal Advisor**

**For the**

**Monroe County Employees Retirement System**

**Issue Date:** August 20, 2010

**Responses Due:** Thursday, September 30, 2010 at 4:00 P.M.  
Eastern Standard Time  
Monroe County Employees Retirement System  
125 East Second Street  
Monroe, Michigan 48161

## REQUEST FOR PROPOSAL

### Monroe County Employees Retirement System

August 20, 2010

Dear Counselor:

The Monroe County Employees Retirement System (MCERS) Board of Trustees intends to secure a contract for legal services. The purpose of this Request for Proposal (RFP) is to define the Board's minimum requirements and solicit proposals from which the Board may evaluate such services.

This agreement for legal services is for a five (5) year period. The contract may be renewed after the initial five (5) year period by exercising one (1) year extensions. These extensions shall be subject to review by both parties and based upon a mutually agreed desire to continue the relationship. Negotiation of the terms and conditions shall be resolved prior to any extension.

Requests for Proposals will be received by the Monroe County Employees Retirement System Board of Trustees at 125 East Second Street, Monroe, Michigan 48161 until 4:00 P.M. Eastern Standard Time on September 30, 2010. **Late Requests for Proposals will be rejected and returned unopened.**

In preparation of your proposal and to facilitate the comparison of proposals each offerer shall review the attached Request for Proposal and prepare a response in accordance with the submittal format outlined in the RFP.

If during the preparation of your proposal you have any questions or require clarification of any part of the RFP please contact the undersigned and we will respond accordingly.

The Monroe County Employees Retirement System Board of Trustees reserves the right to reject any and all submittals and to waive irregularities and informalities in the submittal and evaluation process. This RFP does not obligate Monroe County Employees Retirement System Board of Trustees to pay any costs incurred by respondents in the preparation and submission of a RFP. Furthermore, the RFP does not obligate Monroe County Employees Retirement System Board of Trustees to accept or contract for any expressed or implied services. After the RFPs have been reviewed, finalists will be selected for interviews with the Monroe County Employees Retirement System Board of Trustees.

Sincerely,

**Sandy Calkins**

Retirement Specialist

(734) 240-7264

sandy\_calkins@monroemi.org

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## Section 1 - General Information

### A. Description of the System

The Monroe County Employees Retirement System (MCERS) is a contributory defined benefit plan that provides for pension and disability benefits for County of Monroe employees, Monroe County Sheriff's Office employees, Monroe County Library System employees, Monroe County Road Commission Employees, Monroe County Central Dispatch Authority employees and Monroe County Mental Health Authority employees. Most members have the ability to negotiate retirement benefits with their respective Employer. Those members not covered by collective bargaining agreements have retirement benefits established through Personnel Rules and Regulations. Subsequently, the employer and employees assume the related cost and liabilities. The System requires contributions, which will provide assets sufficient to meet the benefits to be paid to members. Current Plan assets are approximately \$165 million.

The current membership of the Monroe County Employees Retirement System is as follows:

County of Monroe employees	Active 401	Retired 306
Monroe County Sheriff's Office employees	Active 167	Retired 084
Monroe County Library System employees	Active 123	Retired 034
Monroe County Road Commission employees	Active 090	Retired 077
Monroe County Central Dispatch Authority employees	Active 020	Retired 008
Monroe County Mental Health Authority employees	<u>Active 137</u>	<u>Retired 055</u>
TOTAL	Active 938	Retired 564

### B. Administration of Monroe County Employees Retirement System

The general administration, management and responsibility for the proper operation of the Monroe County Employees Retirement System are vested in the Board of Trustees. The Board consists of nine Trustees as follows:

Three Trustees elected by the employees from the County of Monroe;

One Trustee representing the Monroe County Library System;

One Trustee representing the Monroe County Road Commission;

One Trustee representing the retirees and elected by members of the Retiree Association;

One Trustee appointed by the Monroe County Board of Commissioners as a citizen representative;

One Trustee who is the Chairman or Vice-Chairman of the Monroe County Board of Commissioners;

One Trustee who is a County Commissioner from the Monroe County Board of Commissioners

### C. Administrative Staff to the Monroe County Employees Retirement System Board of Trustees

The Monroe County Employees Retirement System Board of Trustee's administrative staff consists of a Retirement Specialist and a Secretary. The Secretary is the County Administrator/CFO.

#### D. RFP Coordinator

Upon release of this RFP, all communications concerning this information request should be directed to Sandy Calkins, Retirement Specialist. Any oral communications will be considered unofficial and non-binding on the Monroe County Employees Retirement System. Interested firms (the term "firm" as used throughout this RFP includes sole practitioners) should rely only on written statements issued by the RFP Coordinator. Interested firms or persons who wish to ask questions regarding this RFP must submit written questions to the RFP Coordinator no less than *five business days* prior to the RFP due date as specified in the RFP Schedule, Section 1.E.

Name: Sandy Calkins, Retirement Specialist

Address: Monroe County Employees Retirement System  
125 East Second Street  
Monroe, Michigan 48161  
Telephone: (734) 240-7264  
Fax: (734) 240-7260  
E-mail: [sandy\\_calkins@monroemi.org](mailto:sandy_calkins@monroemi.org)

#### E. RFP Schedule

These dates are estimates and subject to change by the Monroe County Employees Retirement System. All submissions are due by 4:00 P.M. Eastern Standard Time on the date specified below. **Late RFPs will not be considered.**

Request For Proposals issued	August 20, 2010
RFP due to the Monroe County Employees Retirement System	September 30, 2010
Interview of selected finalists	October 25, 2010

#### F. RFP Terms and Conditions

The Monroe County Employees Retirement System reserves the right to request any provider to clarify its RFP or to supply any additional material deemed necessary to assist in the evaluation of a Request for Proposal.

The Monroe County Employees Retirement System reserves the right to change the RFP schedule or issue amendments to the RFP at any time. The Monroe County Employees Retirement System also reserves the right to cancel or reissue the RFP.

The Monroe County Employees Retirement System reserves the right to reject any and all responses, to waive any irregularities or/and informalities in the selection process, to request clarification of information from any Provider and to effect any agreement deemed by the Monroe County Employees Retirement System to be in its best interest.

The Monroe County Employees Retirement System will not reimburse any providers for any costs involved in the preparation and submission of responses to this RFP or in the preparation for and attendance at subsequent interviews. Furthermore, this RFP does not obligate the Monroe County Employees Retirement System to accept or contract for any expressed or implied services. In the event of a material modification, providers will be given an opportunity to modify their RFP in the specific areas that are affected by the modification.

### **G. Request for Information Response Date and Location**

Three (3) paper copies of the RFP, and a copy sent electronically, must be received by the Monroe County Employees Retirement System no later than September 30, 2010 at 4:00 P.M. Eastern Standard Time. Requests for Information received after the date and time specified therein will not be considered.

Providers accept all risks of late delivery of mailed RFPs regardless of fault. Facsimiles will not be considered. All RFPs and accompanying documentation will become the property of the Monroe County Employees Retirement System and will not be returned.

The Monroe County Employees Retirement System is located at:

Address:

Monroe County Employees Retirement System  
125 East Second Street  
Monroe, Michigan 48161  
Telephone: (734) 240-7264

## **Section 2 – Qualifications / Scope of Work**

### **A. Minimum Qualifications**

Firms submitting a RFP should meet at least the following minimum qualifications:

- Minimum 10 years experience providing legal advice to public pension plans with a minimum of five of those years advising Michigan public pension plans
- Relevant Internal Revenue Code expertise
- Knowledge of relevant laws related to public employee pension plans similar to the Monroe County Employees Retirement System
- Have strong education credentials; identify if you are AV rated
- Be in good financial standing
- Have a thorough understanding of state and federal laws which affect a public retirement system in the State of Michigan
- Be admitted to practice law in the State of Michigan
- Excellent communication skills

### **B. Scope of Services**

The Board of Trustees is attempting to identify a law firm that has the ability to:

1. Advise the Board on compliance with all applicable federal, state, and local laws and regulations, including all qualification issues affecting employee benefit plan design under the Internal Revenue Code.
2. Advise the Board concerning drafting and compliance of plan documents, including state laws, rules, administrative policies and procedures.
3. Negotiate and draft investment contracts and other legal documents necessary to consummate investment transactions.
4. Provide advice, review and opinions related to benefits administration and investment of fund assets.
5. Representing the Board in complex litigation regarding plan issues.
6. Provide objective, third-party advice and counsel that will enable the Board to make well-informed and well-educated decisions regarding the Retirement System and its administration.
7. Assist in a variety of corporate governance matters, including legal research, analysis, advice and counsel with respect to corporate and securities laws in connection with corporate governance initiatives.
8. Attend Board and committee meetings.
9. Review Domestic Relations Orders.
10. Providing legal opinions on fiduciary duties.

When responding to this Request for Proposal, the Board encourages you to describe the ways in which you believe your service capability is special or distinctive.

### **C. Submission Requirements**

To achieve a uniform review process and obtain the maximum degree of comparability, it is required that the proposal be organized in the following manner:

1. Title Page:

Please indicate the RFP subject, the name of your organization, address, telephone number, email address, name of contact person and date.

2. Table of Contents:

Clearly identify the material by section and page number.

3. Letter of Transmittal:

Limit to one or two pages.

- a. Briefly state your organization's understanding of the nature of the work.
- b. Give the names of the persons who will be authorized to make presentations for your organization, their titles, addresses, and telephone numbers.

4. Submission:

Please submit three (3) hard copies of the RFP and one copy sent electronically to:

Sandy Calkins, Retirement Specialist at [sandy\\_calkins@monroemi.org](mailto:sandy_calkins@monroemi.org)

Proposals must be presented in a sealed envelope clearly marked as follows:

RFP: Legal Services  
Monroe County Employees Retirement System  
125 East Second Street  
Monroe, Michigan 48161

Your response to this RFP must be received at the above address by 4:00 p.m. Eastern Standard Time on September 30, 2010.

## **LEGAL SERVICES REQUEST FOR PROPOSAL**

### **ORGANIZATION BACKGROUND**

1. Describe the background and qualifications of your firm.
2. Provide the name, title and credentials of the primary contact individual who will be assigned to the Retirement System's account. Identify the other individuals who will be supervised by the primary contact individual. Identify the names, titles, and credentials of the individuals supervised by the primary contact individual. What are their specific responsibilities? Who will attend Board meetings? Provide the names of other clients that they serve.
3. How many municipal retirement systems do you service? How many are located in Michigan? Please provide a representative client list.
4. How many accounts/clients have you gained in the last 3 years? How many have left your firm in the last three (3) years. Please explain losses, if any.
5. What is the number of full time employees in your company? How many professionals have left your company in the last three (3) years? How many support staff have left your company in the last three (3) years?
6. Please describe your document retention policy, your computer systems, and backup process.

### **SERVICES**

7. Please describe the types of services provided by your firm.
8. List with specificity, including the names and titles of the Act where applicable, the various state and federal laws used by your firm in furtherance of the administration of a retirement system client.
9. Are you familiar with Domestic Relations Orders and Eligible Domestic Relations Orders and able to review such orders for compliance with legal and retirement system requirements?
10. Detail the assistance your firm would provide in responding to Freedom of Information Act requests.
11. Describe any training or educational materials or seminars that your firm could provide to enable the Board to appropriately administer the retirement system.
12. Describe the support your firm would provide in the event of litigation in which the Retirement System is a party.
13. Describe your firm's experience with compliance with the rules and regulations of the Internal Revenue Service.
14. Describe your firm's experience assisting a retirement system in the selection of investment consultants, custodian, actuaries and other service providers.

15. Describe your firm's experience with securities litigation.
16. Describe your firm's experience with collective bargaining agreements.
17. Describe the services, publications, organizations/associations, or other resources your firm utilizes to keep informed of the current laws, regulations and trends applicable to municipal retirement systems?

### **RISK MANAGEMENT**

18. Describe the various types of insurance and indemnification provided to protect clients of service(s) proposed.

### **MANAGEMENT COMMITMENT**

19. Describe your firm's commitment to service quality and customer service.
20. Outline your organization's commitment to servicing the public sector market.
21. How are issues and concerns communicated to and from clients?

### **PROPOSED FEES**

22. Please provide a comprehensive schedule of fees.
23. Do you charge for expenses such as copies, postage, telephone toll charges, travel costs? If so, what are the rates?
24. Do you charge secretarial or clerical time to clients? If so, what are the rates?

### **REFERENCES**

25. Please provide, at a minimum, three names, contacts, and phone numbers of clients that are of similar size as the Retirement System who will share with the Board their first-hand experiences regarding your services (preferably public retirement systems). The references must include contact name, title, street address, Email address, and telephone number.

### **MISCELLANEOUS**

26. Is your firm a member of MAPERS? If so, since when? What other affiliations does your firm maintain to keep apprised of unique issues and developments affecting public employee retirement systems?
27. Has your firm or its employees been investigated by any state or federal regulatory or law enforcement agency in the last ten years? If yes, please describe in detail the substance and results of each such investigation.
28. Has your firm or its employees been a party to any lawsuit, including suits involving misfeasance or professional negligence, within the last ten years? If so, please describe the substance and results of each suit.

29. Please describe the transition process when taking on a new client. Please discuss computer systems and data issues.

#### **OTHER REQUIREMENTS**

30. Certification as to "Request for Proposal" Content: By submitting a proposal, the proposer certifies that he/she has fully read and understands the "Request for Proposal" and has full knowledge of the scope, nature, quantity, and quality of work to be performed. Unless specified to the contrary, submitting a proposal will be interpreted as agreement to all provisions in and requirements of the RFP.
31. Additional Information and Instruction: The Proposer shall furnish such additional information as the Board may reasonably require. The Board reserves the right to investigate the qualifications of all proposers as it deems appropriate.
32. Negotiations: The Board reserves the right to conduct pre-contract negotiations with any or all proposers.
33. Proposal Rejection: The Board reserves the right to reject any or all proposals, the right in its sole discretion to accept the proposal which it considers most favorable to the Board's interest, and the right to waive minor irregularities in the procedures. The Board further reserves the right to seek new proposals when such a procedure is in its best interest.
34. Proposals Binding for 90 Days: All proposals submitted shall be binding for ninety (90) calendar days following the above due date for receipt of proposals to allow for evaluation and award of contract.
35. Completeness: All information required by the Request for Proposal shall be supplied to constitute an acceptable proposal. Failure to submit a complete proposal may result in the disqualification of your proposal.

### **Section 3 – Statement of Qualifications**

A cover letter should be presented with your RFP that provides:

- Your philosophy, approach and the unique benefits you or your firm presents in the pension field of law.
- A brief description and history of your or your firm's practice. Include the philosophy of your firm, the number of years it has been in business, the areas of specialization, the number of employees in total and the number specializing in pensions.
- A description of your or your firm's experience working with public pension plans similar to the Monroe County Employees Retirement System and experience with governmental entities.
- A description of why/how the Monroe County Employees Retirement System fits your firm's client base.
- A description of your or your firm's experience with the proposed Scope of Work.
- A list of all individuals who will be assigned to the project and their qualifications and experience in working on this type of project.
- A response timeframe for inquiries.
- Please describe any legal actions or claims against the firm for malpractice within the last 10 years and include who brought the legal action / claim, a brief description of the legal action/claim and its disposition.

The Board appreciates the time and effort you will have expended in responding to this RFP. Regardless of the outcome, the Board will be pleased to share with you its specific comments regarding the competitiveness of your RFP response.

# ATTACHMENT I

## STATEMENT OF QUALIFICATIONS CHECKLIST

1. Submittal elements

The following information is attached as required by the RFP:

- Meet Minimum Requirements of RFP (see 2. below)
- Fee Information
- Statement of Qualifications
- Client References

2. Exceptions to any elements presented in the RFP (These may be construed as being non-responsive to the RFP).

3. Additional items for consideration.

Our authorized signature in the space below indicates our acceptance of all the terms and conditions as presented in the RFP.

Service Provider Name:

By:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date