



REQUEST FOR PROPOSAL

San Joaquin County Employees' Retirement Association
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www.sjcera.org

Request for Proposal No. 2018-01

Disability Retirement Legal Services

July 2018

The San Joaquin County Employees' Retirement Association ("SJCERA") invites proposals from experienced attorneys and law firms in response to this Request for Proposals ("RFP") to provide disability retirement legal services to SJCERA. SJCERA intends to select one or more attorneys or law firms as approved disability retirement legal services providers, subject to the number and quality of the responses to this RFP and SJCERA's assessment of its needs for disability retirement legal counsel.

SECTION I BACKGROUND

SJCERA is a public retirement system established by the San Joaquin County Board of Supervisors effective June 28, 1946. SJCERA provides retirement, disability and survivors' benefits to eligible General and Safety members employed by the County of San Joaquin and nine other public agencies:

- Lathrop-Manteca Rural Fire Protection District
- Mountain House Community Services District
- San Joaquin Local Agency Formation Commission
- San Joaquin County Historical Society and Museum
- San Joaquin County Law Library
- San Joaquin County Mosquito and Vector Control District
- San Joaquin County Superior Court
- Tracy Public Cemetery District
- Waterloo-Morada Rural Fire Protection District

SJCERA's nine-member Board of Retirement has exclusive control and fiduciary responsibility for administering the benefits and managing the investment of plan assets. The Board oversees the Chief Executive Officer and staff in the performance of their duties in accordance with the County Employees' Retirement Law (CERL) and the Public Employees' Pension Reform Act of 2013 (PEPRA) as adopted by the Board of Supervisors and Board of Retirement, and the bylaws, policies, and procedures adopted by the Board.

The Board of Retirement includes four trustees appointed by the San Joaquin County Board of Supervisors, the San Joaquin County Treasurer-Tax Collector, and four trustees elected by SJCERA members, and one alternate retired member.

SJCERA's current membership includes approximately 7,800 active and deferred members and approximately 5,800 retired members. Net current plan assets total approximately \$2.9 billion. SJCERA processes approximately fifty disability retirement applications a year.

SECTION II SCOPE OF SERVICES

SJCERA intends to select one or more attorneys and/or law firms as approved disability retirement legal services providers. The attorneys and firms selected will have demonstrable qualifications to handle the types of disability matters described below.

All disability cases are governed by the 1937 Act, California Government Code Section 31450, et seq.

The following three documents (available on www.sjcera.org and hyperlinked below) provide more detail about SJCERA's disability process:

1. Board policy titled [Disability Retirement Policy and Procedures](#);
2. [Disability Fact Sheet](#); and
3. [Disability Retirement Program booklet](#)

Disability counsel handles all aspects of the disability application process in close consultation with their client (SJCERA) and disability staff. Disability counsel is charged with scheduling and completing all phases in a timely manner. Often, disability applicants appear pro per.

The disability application process typically focuses on whether or not the applicant is permanently incapacitated from performing his/her normal and usual job duties. In cases where the applicant seeks service-connected disability, the application process also focuses on whether the applicant's job is a substantial cause of the incapacity. Disability counsel is responsible for developing the evidentiary record, including obtaining independent medical evaluations as appropriate.

Disability matters may also include threshold or right to file issues, effective date issues, privacy and confidentiality of medical and personnel records, and other disability retirement eligibility issues.

Disability counsel may be requested to handle writ of mandate petitions relating to disability matters.

SECTION III CONTRACT PERIOD

The term of the retainer agreement will be for a three-year period. SJCERA may, in its sole discretion, terminate the contract at any time during that term. SJCERA may, in its sole discretion issue up to two two-year extensions of the retainer. SJCERA makes no representation as to the amount of disability work, if any that may be given to any approved provider during the contract period.

SECTION IV GENERAL INFORMATION

No Contact

No contact with SJCERA Board members, SJCERA's General Counsel, and other SJCERA staff regarding the contents of this RFP will be allowed during the pendency of this RFP, except as expressly authorized by this RFP in the form of written questions.

No Reimbursement for RFP Expenses

SJCERA will not provide reimbursement for any fees, expenses, or other costs incurred in connection with this RFP including the costs of preparing the response, providing any additional information and attending an interview or interviews. All material submitted in response to this RFP will become the sole property of SJCERA. SJCERA expressly reserves the right to utilize any and all ideas submitted in the proposals received unless covered by legal patent or proprietary rights.

Interviews

Interviews may be conducted at SJCERA's discretion. All attorneys and firms selected for interview will be notified of the interview date(s) at least one week in advance.

Confidentiality

All responses to this RFP become the property of SJCERA and will be kept confidential until such time as a recommendation for award of a retainer agreement has been announced. Thereafter, submittals are subject to public inspection and disclosure under the California Public Records Act. If a respondent believes that any portion of its submittal is exempt from public disclosure, such portion may be marked "confidential." SJCERA will use reasonable and legally permissible means to ensure that such confidential information is safeguarded to the extent that SJCERA, in its independent judgment, concludes that the information is in fact exempt from disclosure, but SJCERA will not be liable for inadvertent disclosure of such materials, data and information. Proposals marked "confidential" in their entirety will not be honored and SJCERA will not deny public disclosure of all or any portion of submittals so marked.

By submitting information with portions marked "confidential", the respondent represents it has a good faith belief that such material is exempt from disclosure

under the California Public Records Act and agrees to reimburse SJCERA for, and to indemnify, defend and hold harmless SJCERA, its officers, fiduciaries, employees and agents from and against: any and all claims, damages, losses, liabilities, suits, judgments, fines, penalties, costs and expenses including, without limitation, attorneys' fees, expenses and court costs of any nature whatsoever (collectively, "Claims") arising from or relating to SJCERA's non-disclosure of any such designated portions of a proposal if disclosure is deemed required by law or court order.

SECTION V PROPOSAL REQUIREMENTS

Following is a time line and list of the information to be provided. A proposal that does not include the information required below may be deemed non-responsive and subject to rejection.

In setting forth its qualifications, each attorney and or law firm shall provide, in concise but adequate detail, the information sought below. Responses shall be limited to 10 single-sided pages (not including resumes or attorney bios).

KEY DATES AND OTHER INFORMATION

Request for Proposals (RFP) issued:	July 17, 2018
Notice of Intent to Submit Proposal & Written Questions Due:	August 6, 2018
Responses to Written Questions Posted on Website:	August 13, 2018
Due date for submission of proposals:	August 27, 2018
Evaluation of proposals:	August 28 – September 14, 2018
Finalists Notified of Interviews, if needed:	September 18, 2018
Possible Finalist Interviews:	September 24 - 27, 2018
Estimated Board Approval and Contract Execution*: <i>*Attendance at Board meeting may be required</i>	October 12, 2018

Notice of Intent

Each interested party should send a brief Notice of Intent to Submit Proposal to this RFP to the e-mail below on or before 5:00 p.m. Pacific on Monday, August 6, 2018. The Notice must include the title of the RFP, the single point of contact at your firm responsible for the RFP response and the telephone, and e-mail information for this individual.

Written Questions

Written questions will be accepted only via e-mail at CounselRFP@sjcera.org. All questions must identify the RFP section and page number to which the question refers. Questions and responses thereto will be posted on the SJCERA website. Written questions to the above e-mail address will be accepted until 5:00 p.m. Pacific on Monday, August 6, 2018. Written responses will be posted on the SJCERA website by 5:00 p.m. Pacific on Monday, August 13, 2018.

Due Date

Five printed copies of your proposal and one thumb drive containing electronic copies of all submitted documents are due no later than 5:00 p.m. Pacific on August 27, 2018, in a sealed package or packages. All proposals must be delivered to:

SJCERA
6 S. El Dorado St., Suite 400
Stockton CA 95202

Attention: Disability Legal Services RFP Coordinator

Management and Qualifications

Describe your experience and expertise in disability retirement law and related legal areas.

State the names of the attorneys who would be assigned to SJCERA and provide their resumes. Identify the attorney in charge and, for this attorney, provide three client references relating to engagements similar to the one described in this RFP.

Describe your firm's experience related to the services to be provided in response to this RFP, including a brief summary of any notable cases, hearings and/or matters handled by your firm which you feel demonstrate the nature and extent of your firm's expertise.

Identify the nature of any potential conflict of interest your firm might have in providing services to SJCERA. Also specifically state whether your firm has ever represented the County of San Joaquin, the Board of Supervisors for the County of San Joaquin and/or any employee groups or employee associations within SJCERA. If so, state the name of each such client, the nature of your representation and the time frame of your representation.

Identify any past, pending or threatened litigation or administrative or state ethics board or similar body proceedings to which you, your firm or any of your partners

or associates are a party and which would either materially impair your ability to perform the services enumerated herein and for which this RFP is issued or, if decided in an adverse manner, materially adversely affect the financial condition of your firm.

Rates, Costs and Billing Information

Proposals shall contain the following:

1. Proposer billing rates are fixed for the three-year initial term of the contract. State the rates at which the services of attorneys or other paraprofessionals would be provided to SJCERA for the next three years. Include:
 - a. For each attorney or paraprofessional whose resume is provided please list the standard/stated hourly rate for this provider and the hourly rate you propose to charge SJCERA.
 - b. Please address if and how travel time will be billed by any providers.
2. In addition, each firm may propose any alternative fee structure deemed appropriate as a supplement to the fees requested above.
3. State any special considerations with respect to billing or payment of fees and expenses that your firm offers and that you believe would differentiate it from other Proposers and make your firm's services more cost effective to SJCERA.
4. SJCERA expects to receive the lowest rate charged by your firm for its governmental and/or non-profit clients. If for any reason your firm is not prepared to do so, please indicate your reasons.

SECTION VI EVALUATION AND SELECTION

Evaluation Criteria

SJCERA will evaluate the proposals and make a recommendation to the full SJCERA Board for approval. The Selectors will consider the following factors:

1. Experience as counsel in disability and related areas.

2. Quality and depth of expertise and prior capability in providing similar services.
3. Anticipated cost of legal services and disbursements, including such factors as hourly rates, discounts, creative alternate fee arrangements and cost-effectiveness.
4. Information provided by client references.
5. Overall organization, completeness, and quality of proposal, including cohesiveness, conciseness, and clarity of response.
6. Interviews, if conducted.

Selection Process

SJCERA will initially review all proposals to determine responsiveness. Any proposal that does not address all requested requirements or is incomplete will be rejected.

SJCERA will evaluate all responsive proposals based on the criteria stated above. Reviewers may afford firms the opportunity to clarify proposals for the purpose of assuring a full understanding of their responsiveness to the RFP.

SJCERA may conduct interviews with Proposers found to be most qualified to perform the services required, based upon the criteria listed in this RFP. If so, Proposers will be notified in advance of the proposed interview date.

All Proposers will be notified in writing once one or more firms have been selected.

SECTION VII PROPOSAL INSTRUCTIONS AND CONDITIONS

1. Upon receipt of notice of intent, proposers will be provided sample case(s) with instructions to review, and prepare a sample written recommendation to the Board of Retirement. Only proposal that include this sample written recommendation will be considered responsive.
2. This RFP does not commit SJCERA to award a contract, pay any costs incurred in the preparation of a response, or procure or contract for services of any kind whatsoever. SJCERA reserves the right, in its

sole discretion, to negotiate with any or all firms considered, or to cancel this RFP in whole or in part.

3. Proposers may be requested to clarify the contents of their proposal.
4. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts, or omissions of any officers, employees or agents thereof.
5. A proposing firm may be required to participate in negotiations and to submit hourly fee, price, cost, technical or other revisions to its proposal, which may result from such negotiations.
6. All material submitted in response to this RFP will become the sole property of SJCERA.
7. Although proposed fees will be given significant weight in the selection process, SJCERA reserves the right to negotiate with any firm selected, lower fees or a different fee structure.
8. Proposals **must** include a cover letter indicating the mailing address of the office from which the proposal is submitted, the name of the individual who will represent the firm as the primary contact person for the proposal, and the telephone, and e-mail information of the primary contact person.
9. All proposals must be irrevocable for 180 days and signed by an authorized officer of the firm.
10. Successful Proposers must agree to provide SJCERA with audit access on request during the term of the contract and for seven (7) years thereafter.
11. SJCERA at any time, in its sole discretion, may terminate its contract with the selected firms(s), or postpone or delay all or any part of the contract, upon written notice to the selected firms(s).

SECTION VIII CONTRACT APPROVAL

SJCERA's selection of one or more successful Proposer(s) shall not be binding until it has been approved by SJCERA's Board of Retirement.