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County of San Diego
Department of Purchasing and Contracting
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December, 07th 2012

REQUEST FOR STATEMENT OF QUALIFICATION (RFSQ) NO. 5853
COUNTY OF SAN DIEGO, TREASURER-TAX COLLECTOR
DEFERRED COMPENSATION / DEFINED CONTRIBUTION SERVICES

The County of San Diego, Treasurer-Tax Collector is seeking Statements of Qualifications (SOQs) from qualified organizations to provide Deferred Compensation/Defined Contribution services including: Investment Management, Recordkeeping/Administration, Employee Communication & Education, Participant and Plan Sponsor web access to plan information, and Custodial Trustee services for the County of San Diego Deferred Compensation Program which includes a 457 Plan and a 401(a) Plan.

The County of San Diego employs approximately 15,000 employees in numerous locations throughout the county limits. The Deferred Compensation Program has over 14,000 participants with over \$900 million invested by employees and retirees. If current trends continue, total plan assets are projected to reach over \$1 billion in 2013.

Please note that this RFSQ will be evaluated on a **PASS/FAIL** basis. Any organizations that are unable to answer **YES** to any of the specific Yes/No questions in the Evaluation and Submittal Requirements section, will be eliminated and will **NOT** be eligible to participate in the forthcoming RFP for **deferred compensation / defined contribution services**.

This RFSQ package includes:

Section A

- Cover Letter to the RFSQ
- Cover Page (P&C 600 Form) - Requests necessary Offeror information and includes the Offerors signed authorization for the statement of qualifications
- Representations and Certifications Form - Requests additional Offeror information related to 501(c)(3) status, affirmative action and pricing
- Indemnification Certification

Section B

- RFSQ Terms and Conditions
- Evaluation and Submittal Requirements
- Appendix A – Word Format Vendor Response Document

STATEMENT OF QUALIFICATIONS DUE DATE

Submit one (1) original set and three (3) hard copies sets for a total of four (4) sets of Statement of Qualifications (SOQ) in accordance with the format provided in this solicitation to the County of San Diego, Department of Purchasing and Contracting at the address stated in the letterhead above in a sealed envelope or package **prior to 4:00 PM local time on Friday, January 11th, 2013**. Clearly mark the exterior of the envelope or package with “**RFSQ 5853**” and the name and address of the Offeror. If delivering your statement of qualifications on the due date, plan to arrive early, as parking may be limited.

Late submissions cannot be considered unless they are the only ones received or there was mishandling on the part of County of San Diego, Department Purchasing and Contracting staff.

QUESTIONS

Questions and requests for clarification related to definition or interpretation of this RFSQ shall be requested in writing prior to **Wednesday, December 19th, 2012 at 3:00PM**. Questions **MUST** be submitted in writing via e-mail to richard.mccarvell@sdcounty.ca.gov . No questions will be accepted via telephone. An addendum will be issued in response to questions, which will only be available by downloading from BuyNet.

This solicitation is available for download from the County’s internet site at www.sdcounty.ca.gov. Under “Quick Links A-Z Services” – Select “BuyNet.” If already registered select:

- Select “View/Respond to Solicitations”
- Select the RFSQ Number to access the files
- If not yet registered, please follow the instructions and register under any of the following UNSPSC code: 84131800

It is the Offerors responsibility to check for addenda on the web site. The County cannot notify those who download solicitation documents from the web site of changes or addenda. The master copy of the statement of qualifications documents offered for electronic download shall be considered the original. If you are unable to download this document, you may contact Contract Clerical Support at (858) 505-6367 and a hard copy will be mailed to you.

This RFSQ does not commit the County of San Diego to award a contract or to pay any costs incurred in the preparation of the statement of qualifications. The County of San Diego reserves the right to cancel this solicitation, in part or in its entirety, should this be in the best interest of the County.

AWARD OF ELIGIBILITY STATUS

The County may decide to award eligibility status (inclusion on the County’s new approved lists) without negotiation. The County reserves the right to award eligibility status to the Responder(s) submitting the SOQ determined to be most advantageous and in the County’s best interest, price and other factors considered.

After evaluation of SOQ, the County may request additional details. These discussions will **not** constitute negotiations. The County reserves the right to award eligibility status without discussions or negotiations. Negotiations may be conducted at the discretion of the County. The County may decide to award contract(s) without negotiation; therefore, Offeror(s) shall submit their best statement of qualifications initially.

Upon completion of clarifications/negotiations, the successful Offeror will be required to submit one (1) original statement of qualifications in the following format: the statement of qualifications shall not include sections and/or documents that contain shading or are shaded, i.e. charts, tables, etc., pages with colors, colored fonts, or printed on colored paper, and documents that contain color or black and white photos.

If you have any questions or comments regarding this solicitation, please contact Richard Mccarvell, Contracting Officer at 858.505.6566 or via e-mail at the address listed above.

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SECTION A
REPRESENTATIONS AND CERTIFICATIONS

County of San Diego
 Department of Purchasing and Contracting
REPRESENTATIONS AND CERTIFICATIONS

The following representations and certifications are to be completed, signed and returned with the offer.

- 1. NOT-FOR-PROFIT ORGANIZATIONS**
 Attach proof of status and omit Paragraph 3.
- 2. INTERLOCKING DIRECTORATE**
 In accordance with Board of Supervisors Policy A-79, if Offeror is a non-profit as indicated in paragraph 1 above, Offeror is required to identify any related for-profit subcontractors in which an interlocking directorate, management or ownership relationship exists. By submission of this offer, Offeror certifies it will not enter into a subcontract relationship with a related for-profit entity if Offeror is a non-profit entity. If Offeror is a non-profit and will be subcontracting with a related for-profit entity, Offeror must list the entity(ies) on an attached separate sheet listing them all and the contract must be approved by the Board of Supervisors
- 3. BUSINESS REPRESENTATION**
 - 3.1. REPRESENTATION AS DISABLED VETERANS BUSINESS ENTERPRISE**
 "Disabled Veterans Business Enterprise" means a business which is at least fifty-one (51%) owned and operated by one or more veterans with a service related disability as certified by Equal Opportunity Management Office (EOMO), California Department of General Services, Office of Small Business and members of Joint Agencies Contracting Opportunities (JACO), (California Military and Veterans code, Article 6, section 999).

 This Offeror represents as a part of this offer that the ownership, operation and control of the business are in accordance with the specific definition in 3.1. I am currently certified by:

 Certifying Government Agency: _____
 Certification #: _____
- 4. CERTIFICATE REGARDING DEBARMENT, SUSPENSION AND RELATED MATTERS**
 Offeror hereby certifies to the best of its knowledge that neither it nor any of its officers:
 - 4.1.** Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency; and
 - 4.2.** Have within a three (3) year period preceding this agreement been convicted of or had a civil judgment rendered against them for commission of fraud or criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and
 - 4.3.** Are presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with the commission of any of the offenses enumerated in paragraph 4.2 of this certification; and
- 4.4.** Have within a three (3) year period preceding this agreement had one or more public transactions (Federal, State or local) terminated for cause or default.
- 4.5.** Are presently the target or subject of any investigation, accusation or charges by any Federal, State or local law enforcement, licensing or certification body and if they are, the appropriate information is included in the proposal, as requested in the Submittal Requirements.
- 4.6.** Contractor will report in writing to the County Department of Purchasing and Contracting within five business days of knowing or have any reason to know any change in status as certified in the preceding paragraphs 4.1 through 4.5, and that occur prior to award (in the case of bids) and contract execution (in the case of negotiated procurements).
- 4.7.** Offeror and its proposed subcontractors, agents and consultants have not previously contracted with the County to perform work on this project (e.g. preparing components of the statement of work or plans and specifications for this project). If Offeror or any of its subcontractors, agents or consultants, have previously contracted with the County to perform work on this project, Offeror shall identify those previous agreement(s) and submit that list along with the proposal.
- 5. CERTIFICATE OF CURRENT COST OR PRICING**
 This is to certify that, to the best of my knowledge and belief, cost and/or pricing data submitted with this offer, or specifically identified by reference if actual submission of the data is impracticable, is/are accurate, complete, and current as of the date signed below.
- 6. CERTIFICATE OF INDEPENDENT PRICING**
 By submission of this offer, each Offeror certifies, and in the case of a joint offers, each party thereto certifies as to its own organization, that in relation to this procurement:
 - 6.1.** The prices in this offer have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with other Offeror; with any competitor; or with any County employee(s) or consultant(s) involved in this or related procurements; and
 - 6.2.** Unless otherwise required by law, the prices which have been quoted in this offer have not been knowingly disclosed by the Offeror and will not knowingly be disclosed by the Offeror prior to opening, in the case of a bid, or prior to award, in the case of a proposal, directly or indirectly to any other Offeror or to any competitor; and
 - 6.3.** No attempt has been made or will be made by the Offeror to induce any other person or firm to submit or not to submit an offer for the purpose of restricting competition.
- 7.** The Offeror understands that prior to receiving a contract award from the County, the Offeror must submit a completed IRS W-9 form to provide a Federal Tax ID number, or if not available, to provide a Social Security Number (SSN).

CERTIFICATION

The information furnished in Paragraphs 1 through 7 is certified to be factual and correct as of the date submitted and this certification is made under penalty of perjury under the laws of the State of California.

Name: _____ Signature: _____
 Title: _____ Date: _____
 Company/Organization: _____

SUBMIT THIS FORM AS DIRECTED IN THE REQUEST FOR SOLICITATION DOCUMENTS OR WITH THE OFFER

DPC 201 (07-28-11 – C0014 & P0027)

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SECTION B
STATEMENT OF QUALIFICATIONS TERMS AND CONDITIONS

1 RFSQ PROCESS

- 1.1 RFSQ shall normally be made available on the County of San Diego’s BuyNet site. Firms may request a hard copy from Purchasing and Contracting Clerical Section.
- 1.2 The County reserves the right to host pre-statement of qualifications conference(s). If scheduled, the date, time, and location for the first pre-statement of qualifications conference can be found in the Cover Letter to this RFSQ and on the County BuyNet site.
- 1.3 Diligence Material, if provided, is subject to the following disclaimer: Neither the County nor any of its agents, advisors, or representatives has made or makes any representation or warranty, express or implied, as to the accuracy or completeness of the Diligence Material. Without limiting the generality of the foregoing, the Diligence Material may include certain assumptions, statements, estimates, and projections provided by or with respect to the County. Such assumptions, statements, estimates, and projections reflect various assumptions made by the County, which assumptions may or may not prove to be correct. No representations are made by the County as to the accuracy of such assumptions, statements, estimates, or projections.
- 1.4 Offerors Inquiries and County Responses - All contacts from your organization related to this RFSQ or your Statement of Qualifications must be directed in writing exclusively to the County’s Contracting Officer. You should not attempt to contact any other County personnel about this RFSQ unless authorized by the Contracting Officer.
- 1.5 Written addenda to the RFSQ may be issued to provide clarifications, corrections, or to answer questions.
- 1.6 Statement of Qualifications must be submitted by the time and date specified in the PC Form 600 and/or the Cover Letter. Late submissions cannot be reviewed unless it is the only one received or there was mishandling on the part of County staff.
- 1.7 Statement of Qualifications will be evaluated by a Qualification Evaluation Committee (QEC) appointed by a Qualification Evaluation Authority (QEA).
- 1.8 The County’s Contracting Officer may seek clarifications for the QEC. The Contracting Officer shall determine the appropriate means of clarification: telephonic, e-mail, letter, or oral interviews.
- 1.9 Upon recommendation of the QEC, negotiations may be held with one or more Offerors. Negotiations will be concluded with those firms remaining in the competitive range, which shall conclude with a request for best and final offer.
- 1.10 The County of San Diego, Contracting Officer will notify all Offerors and post a Notice of Intent to Award for five workdays after receipt and approval of the Qualification Evaluation Authority(s) recommendation to award.
- 1.11 The Department of Purchasing and Contracting will notify all Offerors of the status of each Statement of Qualifications, prior to posting the Notice of Intent to Award.
- 1.12 Below is the County’s anticipated timeline for award of this RFSQ:

Event Description	Target Date(s)
RFSQ Issued	December 7, 2012
Final Deadline for questions due	Wednesday, December 19, 2012 (No Later Than 3:00 PM)
County issues answers to all questions	Friday, December 21, 2012
Statement of Qualifications due	Friday, January 11, 2013 (No Later Than 4:00PM)
Qualification Evaluation Committee evaluates RFSQ’s	January 2013
Qualification Evaluation Authority Approval	February 2013

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2 SUBMISSION OF STATEMENT OF QUALIFICATIONS

- 2.1 RFSQs, associated documents and addenda may be obtained from the Department of Purchasing and Contracting at 5560 Overland Avenue, Suite 270, San Diego, California 92123-1204 or by downloading from the department's Web site "BuyNet" at <http://buynet.sdcounty.ca.gov/>. It is the Offeror's responsibility to periodically check the Web site for addendum that may be issued to implement changes or clarification to the RFSQ, prior to the due date.
- 2.2 It is understood and agreed upon by the Offeror in submitting a Statement of Qualifications that the County has the right to withhold all information regarding this procurement until after contract award, including but not limited to: the number received; competitive technical information; competitive price information; and the County evaluation concerns about competing Statement of Qualifications. Information releasable after award is subject to the disclosure requirements of the Public Records Act, California Government Code Section 6250 and following.
- 2.3 Offerors shall submit an original prior to the date and time specified. In addition the offeror may be requested to submit additional copies; these copies should be submitted along with the original. Failure to submit the required number of copies may result in finding of non-conformance. Originals should be clearly marked.
- 2.4 Unless otherwise specified statement of qualification shall be on 8-1/2" x 11" white bond paper with no less than 1/2" margins and ten (10) point font. Pages shall be consecutively numbered within the bottom or top margin of each page, including attachments, such that if the document became separated, it could easily be put back together. Ensure that each copy is securely fastened and original and all copies are submitted in a sealed envelope or box with the RFSQ number and the name and address of the Offeror on the outside of the package/container. Note: There does not need to be a separate envelope or package for each of the copies.
- 2.5 Unless other specified the Proposal shall conform to the following format:
 - 2.5.1 A completed and signed PC 600 Form shall be submitted as the cover of your proposal.
 - 2.5.2 A completed and signed Representations and Certifications form shall be submitted as the second page of your Proposal.
 - 2.5.3 Intentionally left blank.
 - 2.5.4 A table of contents listing, by page number, and all other contents of the Proposal shall be submitted after the Representations and Certifications form.
 - 2.5.5 The proposal shall be in the required format with all forms, responses and attachments sequentially numbered to correspond to the applicable question or requirement.
 - 2.5.6 Each Proposal shall be typed and be concise but comprehensive. Proposal shall not include promotional material. Proposal shall be in accordance with the requirements discussed herein.
 - 2.5.7 All information provided shall be verifiable by telephone. The County may, but is not obligated to, use only those telephone numbers, email addresses and names of contacts provided in the Proposal.
 - 2.5.8 **Original proposal, both hard copy and electronic, shall be in black ink on white paper with no shading. Copies are not limited to black and white, like the original, but may make use of color and shading such as color paper, shaded graphs and tables, and color fonts.**
 - 2.5.9 If confidential/proprietary is contained within the submission:
 - 1) It must be submitted in a separate envelope marked as **EXHIBIT-CONFIDENTIAL/PROPRIETARY**
 - 2) Responses to solicitation requirements that include the confidential/proprietary information, shall refer to the response contained within the EXHIBIT-CONFIDENTIAL/PROPRIETARY (for example: If submittal requirement #1 contained within Exhibit-Confidential/Proprietary"); and
 - 3) It must include a signed Indemnification Certification.

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3 EVALUATION AND SELECTION

- 3.1 Statement of Qualifications (SOQ) will be evaluated based upon the information provided in response to the RFSQ "Evaluation and Submittal Requirements" and other information known to the County. This information may be provided by written material, electronic means, or oral presentations.
- 3.2 The County reserves the right to request clarification and/or request additional information from Offerors if necessary. Such clarifications and/or additional information shall be submitted by the Offerors as an Addendum to the SOQ upon request of the Contracting Officer. However, since no additional input may be requested, Offerors are advised to submit complete information in the SOQ.
- 3.3 Responses to the requested information in the Submittal Questionnaire will be the key components of evaluation. All responses and attachments shall be sequentially numbered to correspond to the applicable question or requirement. The expectation is that those Statement of Qualifications in the competitive range and considered for contract award will exceed the minimum requirements.
- 3.4 The QEC will then prepare a report to the QEA on their findings and make award recommendations.
- 3.5 The "Evaluation and Submittal Requirements" may authorize the use of Presentations and/or interviews as a method of presenting the Offeror proposal or obtaining additional information. QEC may invite competitive Offerors to make a presentation to, or participate in interviews with the County at a date, time and location determined by the County. The purpose of such presentations or interviews would be to allow the Offerors to present their proposed solutions to the County and for the QEC to obtain additional information; the key points in the Proposals will be evaluated by the QEC.
- 3.6 Intentionally left blank.
- 3.7 Intentionally left blank.

4 SIGNATURE All Statement of Qualifications shall be signed by an authorized officer or employee of the submitting organization. The title of the authorized officer or employee, the name, e-mail, address and phone and fax number of the organization shall be included. Obligations committed by such signatures shall be fulfilled.

5 COST COMPARISONS The County Charter requires a finding of economy and efficiency prior to award of contracts for service that can be performed by persons employed in the Classified Service to an independent contractor. It is the intent, subject to a finding of economy and efficiency, to contract for these services. The cost comparison is subject to review and approval by the Chief Administrative Officer.

6 PROPRIETARY INFORMATION All Statement of Qualifications become the property of the County of San Diego unless return is specifically requested as specified in Paragraph 10. The County is a public agency subject to the disclosure requirements of the Public Records Act, California Government Code Section 6250 and following. These requirements include an exemption for "trade secrets". If any proprietary information is contained in or attached to the written statement of qualifications, it must be clearly identified. In order to protect trade secrets from disclosure, pursuant to a public Records Acts request, you must agree in writing to defend and indemnify the County if litigation results.

7 INTERLOCKING DIRECTORATE In accordance with Board of Supervisors Policy A-79, if Offeror is a non-profit as indicated on the Representations and Certifications form, paragraph 2, Offeror is required to identify any related for-profit subcontractors in which an interlocking directorate, management or ownership relationship exists. By submission of this bid or statement of qualifications, Offeror certifies he will not enter into a subcontract relationship with a related for-profit entity if Offeror is a non-profit entity. If Offeror is a non-profit and will be subcontracting with a related for-profit entity, Offeror must list the entity(ies) on the Representations and Certifications form, and any resulting contract must be approved by the Board of Supervisor.

8 UNNECESSARILY ELABORATE INFORMATION Unnecessarily elaborate brochures, visual or other presentations, art work and paper and binding beyond those sufficient to present a complete and effective Statement of qualifications are neither necessary nor desired.

9 COUNTY COMMITMENT

- 9.1 County shall have the right to reject or accept any Statement of Qualifications or offer, or any part thereof (e.g., any component of any proposed solution) for any reason whatsoever and to accept other than the lowest offer, at its sole discretion.

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- 9.2 This RFSQ does not commit the County to award, nor does it commit the County to pay any cost incurred in the submission of the Statement of Qualifications, or in making necessary studies or designs for the preparation thereof, nor procure or contract for services or supplies. Further, no reimbursable cost may be incurred in anticipation of a contract award.
- 9.3 The County reserves the right to accept or reject any or all Statement of Qualifications received as a result of this solicitation, or to negotiate with any qualified source, or to cancel in part or in its entirety this solicitation if it is in the best interest of the County.
- 9.4 The County reserves the right to terminate this RFSQ at any time prior to contract execution.
- 9.5 No prior, current, or post award verbal conversation or agreement(s) with any officer, agent, or employee of the County shall affect or modify any terms or obligations of this RFSQ, or any contract resulting from this procurement.

10 LATE, MODIFIED, OR WITHDRAWN STATEMENT OF QUALIFICATIONS

- 10.1 Any Statement of Qualifications received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it is received before award is made; and
- 10.2 It was sent by mail, and it is determined by the County that the late receipt was due solely to mishandling by the County after receipt at the County; or
- 10.3 It is the only Statement of Qualifications received.
- 10.4 Any modification of a Statement of Qualifications, except a modification resulting from the Contracting Officer's request for "best and final offer," is subject to the same conditions as the initial submission.
- 10.5 Statement of Qualifications may be withdrawn by written notice received at any time prior to Notice of Intent to Award. Thereafter, all Statement of Qualifications constitute firm offers, subject to negotiation and execution of definitive documents that will remain open and cannot be revoked, withdrawn, or modified for a period of six (6) months thereafter. Statement of Qualifications may be withdrawn in person by an Offeror or an authorized representative, provided the authorized representative's identity is made known and the representative signs a receipt for the Statement of qualifications prior the posting of Notice of Intent to Award a contract.

11 NON-CONFORMING SUBMISSIONS Any submission may be construed as a non-conforming Statement of Qualifications and ineligible for consideration if it does not comply with the requirements of the Request for Statement of qualifications. Failure to comply with the technical features, and acknowledgment of receipt of amendments, are common causes for holding a Statement of Qualifications non-conforming.

12 KNOWLEDGE OF RFSQ AND STATEMENT OF QUALIFICATIONS CONDITIONS Before submitting a Statement of Qualifications, Offerors shall carefully read all sections of this RFSQ, including all forms, schedules and exhibits, and shall fully inform themselves as to all existing conditions and limitations.

13 DUTY TO INQUIRE Should an Offeror find discrepancies in or omissions from the RFSQ, plans, specifications or other documents, or should the Offeror be in doubt as to their meaning, the Offeror shall at once notify the Contracting Officer in writing. If the point in question is not clearly and fully set forth, a written addendum will be issued and posted on the County's web site "BUYNET." It is the Offerors responsibility to periodically check the Web site for such addenda. The County will not be responsible for any oral instructions nor for any written materials provided by any County personnel that are not also posted on the BuyNet web site.

14 EXPLANATION TO OFFERORS Any explanation desired by an Offeror regarding the meaning or interpretation of the Statement of Qualifications must be directed in writing exclusively to the County's Contracting Officer. The preferred method of delivering written questions is by e-mail or by an internationally recognized courier to the address listed in the Cover Letter. Telephone calls will not be accepted. In no event will the County be responsible for ensuring that prospective Offerors' inquiries have been received by the County. You should not attempt to contact any other County personnel about this RFSQ solicitation. Oral explanations or instructions will not be binding. Any explanation concerning a solicitation will be provided to all prospective Offerors through posting on Buynet in the form of an addendum to the solicitation. No response will be provided to questions received after the date stated in the Cover Letter.

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- 15 PROTEST PROCEDURE** County policy A-97 requires that contracts resulting from a negotiated procurement shall be awarded only after a notice of the proposed award has been posted in a public place.

All protests shall be made in writing, and shall be filed with the Contracting Office identified in the solicitation package. A protest shall be filed on the earliest of the following dates: (i) within five business days after a Notice of Intent to award the contract has been posted in a public place in the County's Contracting Office or County Internet website, (ii) within five business days after the County provides notification that the Statement of Qualifications is no longer under consideration, or (iii) by noon on the day before the Board of Supervisors is scheduled to consider the matter.

Copies of the Board Policy are available from the Clerk of the Board, 1600 Pacific Highway, San Diego, CA 92101, or on the County's Web site at <http://www.sdcountry.ca.gov/> under the Clerk of the Board's page.

- 16 DEBRIEF AND REVIEW OF CONTRACT FILES** When an Offeror has been notified by the Contracting Officer, that the Statement of Qualifications is no longer being considered for award, the Offeror may request a "debriefing" from the Contracting Officer on the findings about that one Statement of Qualifications (with no comparative information about Statement of Qualifications submitted by others).

After contract award, any interested party may make an appointment to review the files to look at all Statement of Qualifications, the Qualification Evaluation Committee Report and any other information in the file. Copies of any documents desired by the reviewer will be prepared and sold to the requestor at current County prices for such information.

- 17 NEWS RELEASES** Offerors shall not issue any news release pertaining to this RFSQ without prior written approval of the County's Contracting Officer, which may be withheld in such Officer's sole discretion. A minimum of two- (2) business day's notice is required for approval.

- 18 CLAIMS AGAINST THE COUNTY** Neither our organization nor any of your representatives shall have any claims whatsoever against the County or any of its respective officials, agents, or employees arising out of or relating to this RFSQ or these procedures (other than those arising under a definitive Agreement with your organization in accordance with the terms thereof).

- 19 EMPLOYMENT OFFERORS** Until contract award, Offerors shall not, directly or indirectly, solicit any employee of the County to leave the County's employ in order to accept employment with the Offeror, its affiliates, actual or prospective contractors, or any person acting in concert with the Offeror, without prior written approval of the County's Contracting Officer. This paragraph does not prevent the employment by an Offeror of a County employee who has initiated contact with the Offeror.

- 20 TIMING AND SEQUENCE** of events resulting from this RFSQ shall ultimately be determined by the County.

- 21 CALIFORNIA REVENUE AND TAXATION CODE SECTION 18662** In compliance with California Revenue and Taxation code section 18662, if you are a non-resident of California (out-of-state invoices) who receives California source income, the County will pay California Use Tax directly to the State of California per permit no. SR FH 25-632384. Fifteen (15) business days prior to the first payment, new suppliers or suppliers with expired forms or forms with incorrect information, must submit new forms to the County (forms are available from the Franchise Tax Board website listed below).

Under certain circumstances, you may be eligible for reduced or waived nonresident withholding. If you have already received a waiver or a reduced withholding response from the State of California and the response is still valid, submit the response to the County in lieu of the forms. Failure to submit the required forms will result in withholding of payments. Refer to the Franchise Tax Board websites (listed below) for tax forms and information on non-resident withholding, including waivers or reductions. The County will not give you any tax advice. It is recommended you speak with your tax adviser and/or the State of California for guidance.

Franchise Tax Board Websites:

<http://www.ftb.ca.gov>

http://www.ftb.ca.gov/individuals/Withholding_Definitions.shtml

http://www.ftb.ca.gov/individuals/wsc/Processing_Changes_for_2010.shtml

http://www.ftb.ca.gov/individuals/wsc/forms_and_publications.shtml

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http://www.ftb.ca.gov/individuals/wsc/decision_chart.shtml

If selected for award, the Offeror is to submit forms to forms to the Auditor & Controller via fax at (858) 694-2060 or mail originals to: County of San Diego, 5530 Overland Avenue, Suite 410, San Diego, CA 92123. The P.O. Number or Contract Number (if available) and “California Revenue and Taxation Code Section 18662” must appear on fax cover sheet and/or the outside of the mailing envelope

- 22 W-9 FORM** If selected for award, the Offeror must complete and submit a W-9 form if a current form is not on file with the County.

(Remainder of this page left blank)

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EVALUATION AND SUBMITTAL REQUIREMENTS

General Requirements

The Statement of Qualifications responses should demonstrate the qualifications of the firm to provide the proposed services. The Statement of Qualifications responses should address all of the points requested. The Statement of Qualifications responses should be prepared simply and economically, providing a straightforward, concise description of the Offerors capabilities to satisfy the requirements of the request for qualifications, using the questionnaire format provided in this RFSQ. All information provided shall be verifiable by telephone. The County may, but is not obligated to use only those telephone numbers and names of contacts provided in the SOQ.

Important Note: Any conversations or communications concerning this RFSQ with any County employee or official, including but not limited to members of the Board of Supervisors and their staffs as well as other elected officials and their staffs, (other than the Contracting Officer involved in this process) prior to contract award are prohibited and shall be grounds for disqualification of your organization. However, if you are currently engaged by the County and provide services to the County on an on-going basis, your communications with County employees, officials or other personnel regarding day-to-day services, and not regarding this RFSQ, may continue as usual. The County's policy restricting communications pertaining to this RFSQ is not intended to interfere with the County's on-going normal communications with its current service providers.

Specific Requirements

Please note that this RFSQ will be evaluated on a **PASS/FAIL** basis. Any organizations that are unable to answer **YES** to any of the specific Yes/No questions in the Evaluation and Submittal Requirements section, will be eliminated and will **NOT** be eligible to participate in the forthcoming RFP for **deferred compensation / defined contribution services**.

Please provide answers to **ALL QUESTIONS** in this section on the attached **Appendix A (Word Format Vendor Response Document)**.

REQUEST FOR STATEMENT OF QUALIFICATION (RFSQ) NO. 5853
COUNTY OF SAN DIEGO, TREASURER-TAX COLLECTOR
DEFERRED COMPENSATION / DEFINED CONTRIBUTION SERVICES
SECTION B
EVALUATION AND SUBMITTAL REQUIREMENTS

Q1. Confirm (yes/no) that your organization currently offers bundled proprietary 457 and 401(a) services including the following :-

- A) Recordkeeping/administration
- B) Communication/on-site education services custodial/trustee services
- C) Investment support services
- D) Internet/on-line services
- E) Full open architecture investment offerings

If any of your bundled services are outsourced to a third party, please describe.

Q2. Confirm (yes/no) that your organization currently has a minimum of three (3) years experience providing Section 457 and 401(a) Deferred Compensation Plan bundled services.

Q3. Confirm (yes/no) that your organization currently administers three (3) or more Section 457 Deferred Compensation Plans with more than 10,000 participants.

Please provide the names and the number of plan participants of your three largest 457 plan clients by participant size (not by plan assets).

Q4. Confirm (yes/no) that your organization agrees that it will place no proprietary investment restrictions or requirements on the plan's investment selections.

Q5. Confirm (yes/no) that your organization will record keep and administer a separate account, fund of funds approach, utilizing multiple managers, for the plan's stable value option to include functions for trading, blending, fees, trusteeship, communications & reporting.

Q6. Confirm (yes/no) that your organization will agree to:-

- A) Explicitly disclose all expenses and fees, and state a revenue requirement to administer our plans independent of the investment funds ultimately selected
- B) Disclose all revenues received through any form of revenue sharing or any revenues received that are attributable to any non-proprietary investment funds
- C) Disclose all revenues passed through/credited towards administrative costs that are derived from assets invested in any proprietary investment funds and/or any other type of proprietary investment product including General Investment Accounts
- D) Share with the plan any revenues in excess of the stated revenue requirement
- E) If answered YES to Q6D, confirm agreement to allow excess revenues to be shared with plan participants.

Q7. Confirm (yes/no) that your organization agrees to enter into a contract that does not include any termination fees, surrender charges, or deferred charges.