

REQUEST FOR PROPOSALS
FOR
457 DEFERRED COMPENSATION PLAN
FOR
SPRING LAKE HEIGHTS BOROUGH

555 Brighton Avenue
Spring Lake Heights, NJ 07762

Proposals Due: February 22, 2012, at 10:00 a.m.

Spring Lake Heights Borough

555 Brighton Avenue

Spring Lake Heights, New Jersey 07762

Attention: Catherine Francolino Acting CFO

EXHIBITS

- A. Agreement with 457 Deferred Compensation Plan Provider
- B. Equal Employment Opportunity Language

SPRING LAKE HEIGHTS BOROUGH

**PUBLIC NOTICE FOR THE SOLICITATION OF
SERVICE CONTRACT FOR
SECTION 457 DEFERRED COMPENSATION**

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Acting CFO, or designated representative, for Spring Lake Heights Borough (the "Borough"), County of Monmouth, State of New Jersey on February 22, 2012 at 10:00 A.M. at the Borough's offices, located at 555 Brighton Avenue, Spring Lake Heights, New Jersey 07762.

The Borough is seeking proposals from service providers qualified to establish and administer a Section 457 Deferred Compensation Plan for the Borough's 50+ employees. Services will include, but not be limited to, providing the initial set up, and ongoing administration of the plan as well as assisting the employees in setting up a plan based on their requirements.

Request for Proposal packages may be obtained at the Borough's Office, (732) 449-3500, during regular business hours, 8:30 A.M. to 4:30 P.M., Monday through Friday, excluding holidays.

All service providers are required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. (Contract compliance and Equal Employment Opportunities in Public Contracts).

The Borough's Plan Administrator reserves the right to reject any or all submissions due to any defects or waive informalities and accept any submissions that in their judgment will be in the best interest of the Borough. The Borough shall award the contract or reject all submissions no later than 60 days from receipt of the same.

By authorization of the Spring Lake Heights Borough.



Catherine Francolino
Acting CFO

Dated: January 24, 2012

1.0 Introduction

1.1 Purpose

This Request for Proposal (RFP) is issued by the Spring Lake Heights Borough (SLH) pursuant to Municipal, County and Borough Employees Deferred Compensation Plan Rules in N.J.A.C. 5:37-1 et seq.

The purpose of this RFP is to solicit proposals from qualified vendors for providing SLH with a 457 Deferred Compensation Plan for its employees.

1.2 Content of RFP

It is necessary for vendors to read the information contained in this Request for Proposal in order to understand:

- The submission process for this RFP;
- Documents that must accompany the proposal; and
- Legal obligations of the vendors responding to the RFP.

Vendors are advised to thoroughly read and follow all instructions contained in this RFP. Failure of a vendor to carefully read and understand the information contained herein may result in the vendor's response to the RFP not being considered or accepted by SLH.

Information obtained informally from any officer, agent, or employee of SLH or any other person shall not affect the risks or obligations assumed by the vendor or relieve the vendor from fulfilling any of the conditions of this RFP or any subsequent contract.

1.3 Scope of Goods and Services

The services sought to be procured by SLH through this RFP are as follows:

Development Implementation and Management of Deferred Compensation Plan Pursuant to Section 457 of the Internal Revenue Code

The Deferred Compensation Plan must include all of the following components:

- **Variable, Guaranteed and Fixed-Maturity Investment Options-** Final design of the plan will involve no fewer than eight investment options and no more than fifteen.
- **Streamlined Administration-** Proposal must delineate efforts made to minimize administrative requirements of the Spring Lake Heights Borough.
- **Full Enrollment & Communications for Plan Enrollment-** Enrollment materials and group meetings will be anticipated, in connection with the initial enrollment.
- **Plan Documentation and Filing-** Prototype documents and IRS Filings must be provided, in draft, to be reviewed and executed by the Borough.

- **Group Record Keeping-** All required Record keeping for plan sponsor will be required within your proposal.
- **Loan Provision-** (Optional) It has not been determined if the plan will not include a loan provision. Proposals should not include the flexibility to add a loan provision, within the allowance of Section 457(b). The proposal should delineate any costs associated with the inclusion of a loan provision.
- **Individual Record keeping-** Participant accounts must involve daily valuation with website access to individual account balances. Services for investment counseling, fund management, investment changes should be described, in terms of written material, personal services and on-line resources included in the proposal.
- **Customer Service-** Call center and web based access.
- **Annual Plan Reporting-** Governmental filings for the initial plan, a summary plan description and annual reports. Also, any applicable testing as may be needed.

The proposal shall provide a breakdown of all fees and costs, as follows:

Start Up Fees

- Administration Set Up
- Plan Documentation
- IRS Filing

Ongoing Plan Administration

- Annual Charges
 - First Year
 - Subsequent Years
- Loan Provision
 - Set Up
 - Distribution Fee

Account Fees

- Describe any surrender charges by time period
- Annual Fees charged directly to the participant's account
- Annual Fees deducted from the investment yield of each account

Vendors are to submit a cost proposal in response to this RFP for providing all of the goods and services set forth above.

2.0 Instructions to Vendors

2.1 Response to RFP

Vendor's responses must be in strict compliance with this RFP. Failure to comply with the requirements of this RFP may disqualify the vendor's response from consideration.

2.2 Deadline for Responses

Responses to the RFP must be submitted to the office of the Acting CFO no later than 10:00 a.m. on February 22, 2012, at which time Responses shall be opened publicly.

Responses may be mailed, hand-delivered or sent via courier to the Acting CFO at the following address:

Spring Lake Heights Borough
Attn: Catherine Francolino Acting CFO
555 Brighton Avenue
Spring Lake Heights, New Jersey 07762

SLH shall not be responsible for bids mismailed or misdirected and responses received by the Catherine Francolino after 10:00 a.m. on February 22, 2012 will not be considered.

2.3 Questions and Requests for Information

Vendors shall direct all questions or requests for information (RFI) in writing to the Acting CFO. Questions may be mailed or submitted by facsimile to the Acting CFO at the following address and facsimile number:

Spring Lake Heights Borough
Attn: Catherine Francolino
555 Brighton Avenue
Spring Lake Heights, New Jersey 07762
732-449-8264

All questions should reference the section or exhibit of the RFP and page number to which they pertain and should be asked in consecutive order, from beginning to end, following the organization of the RFP.

Questions or RFI's must be submitted no later than ten (10) days prior to the RFP due date above. Answers will be made as soon as possible, but in no event later than five (5) days prior to the due date above.

Except for brief procedural matters, there will be no response to oral inquiries.

No oral explanation or instruction will be binding upon SLH.

2.4 Revisions to the RFP

In the event it becomes necessary to clarify or revise this RFP, such clarification or revision shall be by an addendum or clarification to the RFP.

Any RFP addendum or clarification shall be delivered by certified facsimile, certified mail or delivery by courier service which certifies delivery.

Any addendum or clarification to this RFP shall become part of this RFP and part of the contract arising from the RFP.

2.5 Ambiguity, Conflict or Errors in the RFP

If a vendor discovers any ambiguity, conflict, discrepancy, omission or error in the RFP, the vendor shall immediately notify SLH of such error in writing.

2.6 Cost Liability

HT assumes no responsibility and bears no liability for costs incurred by vendors in the preparation and submittal of responses to this RFP.

2.7 Contents of the Proposal

After the date and time specified for the opening of responses to this RFP, all responses will be made available for public inspection. All interested parties may make an appointment to inspect any response to the RFP by contacting the Acting CFO.

2.8 Disclaimers

HT reserves the right to withdraw this RFP at any time and for any reason and to issue such clarifications, modifications, and/or amendments as it may deem appropriate.

Receipt by SLH of a response to this RFP confers no rights upon the vendor nor obligations upon SLH in any manner.

SLH reserves the right to waive minor variances in responses to this RFP provided that SLH considers such action to be in the best interest of SLH. Any such waiver shall not modify any remaining RFP requirements nor excuse any vendor from full compliance with the RFP specifications and other contract requirements if the vendor is awarded the contract.

2.9 Rejection of Responses

SLH reserves the right to accept or reject in part or in whole any or all submitted responses to this RFP. SLH shall reject the response of any vendor who is determined not to be responsible or whose response is deemed to be non-responsive. The provisions of N.J.S.A. 40A:11-13.2, Rejection of bids by a contracting unit, shall apply to this RFP.

The failure of a vendor to supply information concerning its responsibility may be grounds for a determination of non-responsibility.

Responses to the RFP received after the date and time specified herein will be automatically rejected.

2.10 Affirmative Action

Vendors shall be required to comply with the requirements of N.J.S.A. 10:5-31, et seq., and N.J.A.C. 17:27.

3.0 Instructions for Response to RFP

3.1 General

Vendors are instructed to submit a proposal describing its ability to accomplish the following:

- Employee education and enrollment
- Plan documentation and Filing
- Ongoing plan administration and maintenance
- Customer Service
- Annual Reporting

3.2 Cost Proposal

Attached as Exhibit A is the form of contract to be executed by the Vendor. The Vendor's cost proposal shall include itemized list of all costs associated with, but not limited to, start-up fees, ongoing plan administration, and any account fees.

3.3 Business Registration and New Jersey Sales and Use Tax Requirements:

3.3.1 All service entities shall provide a current Certificate of Business Registration, as required by N.J.S.A. 52:32-44, as amended.

3.3.2 All contractors or contractors with subcontractors, or any of their affiliates, who enter into contracts for the provision of goods or services with or for New Jersey local government entities, are required to collect and remit to the New Jersey Director of Taxation in the Department of the Treasury the use tax due on all of their sales of tangible personal property delivered into the State of New Jersey pursuant to the "Sales and Use Tax Act," (N.J.S.A. 54:32B-1 et seq.), regardless of whether the tangible personal property is intended for a contract with a contracting agency. This tax shall be remitted for the term of the Contract.

For purposes herein, "affiliate" shall mean any entity that: (a) directly, indirectly, or constructively controls another entity, (b) is directly, indirectly, or constructively controlled by another entity, or (c) is subject to the control of a common entity. For purposes of the immediately preceding sentence, an entity controls another entity if it owns, directly or indirectly, more than fifty percent (50%) of the ownership interest in that entity. N.J.S.A. 52:32-44(g)(3).

3.4 Submission of the Vendor's Response to the RFP

Responses to the RFP must be enclosed in a sealed opaque envelope or box, marked with the RFP name, the opening date, and the name and address of the vendor.

In order to be considered, responses must be received by the time and date specified in this RFP. Late submissions will not be considered.

Vendors are cautioned to allow adequate delivery time to ensure timely delivery of responses.

The submission must be accompanied by (1) Non-Collusion Affidavit, (2) Ownership Disclosure Certification, (3) Certificate of Plan Qualification, (4) Business Registration Certificate Statement, (5) Deferred Compensation Plan Investment Certification and (6) Mandatory Equal Employment Opportunity Notice Acknowledgment.

3.5 Number of Copies

Each vendor must submit one (1) complete ORIGINAL Response to the RFP clearly marked as the "ORIGINAL" and two (2) complete copies marked COPY.

4.0 Evaluation of Responses and Award

4.1 General

The Award of Contract shall be made to the responsive and responsible vendor whose response to the RFP is determined to be the most advantageous to SLH, price and other factors considered, taking into consideration the evaluation factors set forth below.

Responses may be evaluated by SLH's Acting CFO, Plan Administrator, Counsel, or a committee comprising all or both of these individuals and other employees.

4.2 Evaluation Criteria

The following evaluation criteria categories, not necessarily listed in order of significance, will be used to evaluate responses to this RFP. The evaluation criteria categories may be used to develop more detailed evaluation criteria to be used in the evaluation process.

- 4.2.1 The Vendor's general approach and plans in meeting the requirements of this RFP.
- 4.2.2 The Vendor's demonstrated experience and reputation in the field.
- 4.2.3 The identification and number of investment options available under the plan.
- 4.2.4 The education and professional experience of each financial advisor that would provide services to the Borough and identification of who would provide each service.
- 4.2.5 The Vendor's Cost Proposal.
- 4.2.6 Other factors if demonstrated to be in the best interest of SLH.

4.3 Contract Award

The contract shall be awarded with reasonable promptness by written notice to that responsible vendor whose proposal, conforming to the requirements of this RFP, will be most advantageous to SLH, price and other factors considered. Any or all proposals may be rejected if SLH determines that it is in its best interest to do so.

5.0 Terms and Conditions of the Contract

5.1 Form of Contract

The successful vendor will be required to sign a contract that is substantially consistent with the form attached to this RFP as Exhibit A.

5.2 Term of Contract

The term of the Contract shall be up to five (5) years.

OWNERSHIP DISCLOSURE CERTIFICATION
TO BE SUBMITTED WITH PROPOSAL

In order to conform to N.J.S.A.52:25-24.2, all corporations or partnerships shall provide the following information:

1. Name of Firm: _____
2. Type of Business Organization (Check appropriate type)
 Partnership _____ Corporation _____ Sole Proprietorship _____
 Limited Partnership _____ Limited Liability Corporation _____
 Limited Liability Partnership _____ Subchapter S Corporation _____
3. Name of State in which Incorporated: _____

The following individuals own ten percent (10%) or more of any class stock in the corporation or are a ten percent (10%) or more Partner in the Firm:

<u>NAME</u>	<u>ADDRESS</u>	<u>TITLE</u>	<u>PERCENTAGE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Or, I certify that no one stockholder owns 10% or more of the issued and outstanding stock or interest in the business entity.

IF ANY OF THE AFOREMENTIONED STOCKHOLDERS ARE A CORPORATION, WHEREBY THEY HOLD 10% (TEN PERCENT) OR MORE OF ANY CLASS STOCK IN BIDDING CORPORATION, THEY SHALL ALSO PROVIDE THE INFORMATION REQUESTED ABOVE.

Subscribed and sworn to before me
 This _____ day of _____, 20__.

The above information is true and correct
 to the best of my knowledge.

 (Seal) Notary Public of New Jersey/
 Specify Other State
 My commission Expires _____, 20__.

(Signature) _____
 (Name) _____
 (Title) _____

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY/_____

Specify, of Other

COUNTY OF _____

I, _____, of the (City, Town, Borough) of _____ State of _____, of full age, being

duly sworn according to law on my oath depose and say that:

I am _____ of the firm of _____, the Proposer making the Proposal for the above named Service, and that I executed the said Proposal with full Borough to do so; that said Proposer has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above named Services; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the State of New Jersey relies upon the truth of the statements contained in this affidavit in awarding the contract for the said Services.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by _____.

Name of Proposer

(N.J.S.A. 52:34-15)

By: _____

(Signature of Authorized Representative)

Subscribed and sworn to before me
this ____ day of _____, 20__.

(Seal) Notary Public of New Jersey/
Specify Other State
My Commission Expires _____ 20__

THIS FORM SHALL BE COMPLETED, SIGNED, AND NOTARIZED

CERTIFICATE OF PLAN QUALIFICATION

The Deferred Compensation Plan proposed by the provider is identified as

by the Director of New Jersey's Division of Local Government Services.

Further, said Deferred Compensation Plan is substantially similar to one on which a favorable Private Letter Ruling has been previously obtain from the federal Internal Revenue Service except for provisions added by reason of the Small Business Job Protection Act of 1996 and the Economic Growth and Tax Relief Reconciliation Act of 2001 and all provisions are stated in the plan in terms substantially similar to the test of those provisions in the Internal Revenue Code Section 457.

PROPOSER (Signature)

PROPOSER (Print Name and Title)

BUSINESS REGISTRATION CERTIFICATE
STATEMENT

The Proposer fully understands the requirements of the Business Registration Certificate Statement as stated in the Request for Proposals, and shall provide a Business Registration Certificate for itself, and any and all subcontractors, if applicable, prior to execution of any contract awarded hereunder.

PROPOSER (Signature)

PROPOSER (Print Name and Title)

DEFERRED COMPENSATION PLAN INVESTMENT CERTIFICATION

This is to certify that the investment options offered by :

for deferred compensation plan's administered for local governmental units in New Jersey pursuant to N.J.S.A. 43:15B-1, et seq. will comply with the investment requirements established by N.J.S.A. 43:15B-3c.

Signature of Authorized Representative

Name Typed

Position/Title

Address

Phone

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE

(N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.)

Goods, Services and General Service Contracts

This form is a summary of the successful service entity's requirement to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

The successful service entity shall submit to the Spring Lake Heights Borough, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

- A) A photocopy of a valid letter that the vendor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

- B) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-1.1 et seq.;

OR

- C) A photocopy of an Employee Information Report (FORM AA302) provided by the Division of Contract Compliance and distributed to the Spring Lake Heights Borough to be completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful service entity may obtain the Employee Information Report (AA302) from the Spring Lake Heights Borough during normal business hours.

The undersigned service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

The undersigned service entity further understands that his/her submission shall be rejected as non-responsive if said service entity fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

COMPANY: _____

SIGNATURE: _____ PRINT NAME: _____

TITLE: _____ DATE: _____