

POMPANO BEACH POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM
REQUEST FOR PROPOSAL FOR LEGAL SERVICES

Introduction

The Board of Trustees of the Pompano Beach Police and Firefighters' Retirement System ("the Board") is seeking a qualified law firm to serve as its general board counsel. The ideal firm should have an established practice involving public employee pension and retirement matters and the legal issues relating to the management of institutional trust funds.

Significant experience in providing legal services to boards responsible for the administration of a municipal defined benefit plan will be a primary consideration in the Board's final selection.

This RFP should not be construed to indicate that the Board is necessarily dissatisfied with its current counsel. Based on its service provider review policy, the Board is performing due diligence to determine whether, based upon its evaluation criteria, other counsel may demonstrate better alignment with the Board's goals and objectives. The Board's current counsel has been invited to participate.

The Board reserves the right to determine, at its sole discretion, whether the responder's qualifications satisfactorily meets the criteria established in this RFP, and the right to seek clarification from any individual(s) or firm(s) submitting proposals. Only those judged to be deemed qualified proposals will be further evaluated.

The Board has provided the information contained in this RFP solely for the convenience of any party that chooses to respond. While the Board and its advisors have made every effort to assure that the information contained herein is accurate and complete, the Board makes no warranty or representation regarding the content of the RFP. The Board also makes no warranty or representation that a proposal conforming to the guidelines set forth in this RFP constitutes grounds for consideration, negotiation, or acceptance. All costs incurred by any party choosing to respond to this RFP are the sole responsibility of the respondent.

Any party responding to the RFP acknowledges and accepts the provision of this RFP as set forth herein. The Board, at its sole discretion, may withdraw the RFP before or after receipt of proposals, or may accept proposals that do not adhere to the criteria set forth in the RFP. The Board reserves the right to determine the qualifications and acceptability of any party or parties submitting proposals in response to this RFP.

Background Information

The Pompano Beach Police and Firefighters' Retirement System ("the Plan") is a local law plan which is created and exists under the authority of the City of Pompano Beach Municipal Code of Ordinances Sections 34.045 through 34.073; and incorporates the applicable provisions of Chapters 112, 175 and 185, Florida statutes, and federal law.

The Plan is a defined benefit pension plan maintained to provide retirement, disability, termination and death benefits to police and firefighters, and their beneficiaries. The Plan includes DROP and Share Plan components. The current membership totals 585. The current market value of Plan assets is approximately \$244 million.

The Plan is governed by a nine-member Board of Trustees which is composed of three elected police officer members, three elected firefighter members, and three City-appointed citizens. The following are standing Committees of the Board: Investment Committee, Communications and Cyber Review Committee, Professional Advisor's Review Committee and Budget Committee. The Board has two dedicated full-time staff members.

Plan documents may be found on the Plan's website at www.pbpfrs.org

SCOPE OF SERVICES

In order to be considered a qualified candidate, a responder must be able to provide the following services:

- Attend regular monthly meetings of the Board, including disability hearings, generally held the third Monday of each month at 3:00 PM.
- Attend occasional special meetings of the Board of Trustees as requested in advance.
- Provide ongoing legal advice, including written legal opinions, on matters requiring interpretation of the Plan document, Chapters 112, 175 and 185 of the Florida statutes, and matters relating to the pension plan and its activities.
- Provide ongoing legal advice, including written legal opinions, on federal tax law and other regulations. Obtain necessary opinions, letter rulings, and other documents from the Internal Revenue Service and other state or federal regulatory or governing bodies.
- Prepare or review documents, instruments and agreements relating to the Board's investment activities as needed.
- Serve as lead counsel or co-counsel on behalf of the Board on claims and/or litigation filed against the Board and/or the Plan, as requested by the Board.
- Draft and/or review various Plan documents, ordinances amending the Plan, policies, procedures and forms, or written correspondence on behalf of the Board upon request.
- Draft and/or review written contracts and agreements between the Board and its service providers.
- Review proposed, pending and newly enacted legislation that may impact the Plan and advise the Board and Executive Director of its potential impact on the Plan.

- Consult as needed with the Chairman and any interested Trustee, the Executive Director and the Plan's relevant service providers.
- Other items as may be determined/requested by the Board from time to time.
- Serve as a fiduciary to the Plan and in accordance with generally accepted principles of fiduciary responsibility.

PROPOSAL RESPONSE REQUIREMENTS

A. QUALIFICATIONS OF THE FIRM

1. Provide a brief history of the firm.
2. Describe the size and organizational structure of the firm.
3. Length of time the firm has been actively practicing law in the state of Florida.

B. INDIVIDUAL QUALIFICATIONS

1. Name the attorney who will be assigned primary responsibility for this account and provide a resume.
2. List the number of years practicing law and the number of years practicing public pension law. List bar and court admissions.
3. List the number of public employee benefit plans that are currently this attorney's primary responsibility?
4. Describe any specialized training or qualifications in pension and employee benefits law and related local, state and federal law.
5. Describe relevant experience and qualifications with respect to Florida municipal police and firefighters' retirement systems.
6. Describe experience in representing pension boards of Florida municipal police & firefighters' retirement systems in disability hearings.
7. Name the attorney(s) responsible for this account in the absence of the primary attorney. Provide resume(s).
8. Name other individuals that would be active in servicing our account.
9. List any complaints, malpractice claims or bar grievances, pending or otherwise, against the firm or any of the aforementioned attorney's in the last five (5) years. Provide the circumstances and outcome.
10. List the number of clients lost and the number of clients gained in the last three (3) years for each of the attorney's responsible for our account.

C. PROPOSED FEE SCHEDULE

1. Provide the proposed monthly retainer fee.
2. Describe the services that are covered under the retainer agreement. List the services that are not included.
3. Provide a schedule of hourly rates for services.
4. Provide a schedule of expenses that will be billed in addition to the retainer or hourly fees.
5. How long are the fees guaranteed?
6. Provide a copy of your standard agreement or contract.

D. LIABILITY INSURANCE

Provide the limits of your general liability and professional liability insurance and any other types of insurance coverage. Certificates of insurance, detailing the coverage, shall be furnished to Board upon execution of an agreement.

E. PUBLIC ENTITY CRIME AFFIDAVIT

The enclosed Sworn Statement Pursuant to Section 287.133, Florida Statutes, must be completed and notarized and submitted with the proposal.

F. CLIENT INFORMATION

1. Provide a list of current and former Florida employee benefit plan clients and the name and telephone number of the contact person.
2. Provide a list of current and former Florida public employee labor unions clients and the name and telephone number of the contact person.

SUBMISSION REQUIREMENT

Each proposer that would like to be considered must send its written electronic response in PDF format to: Debra Tocarchick, Executive Director, at Debbie@pbpfrs.org

Please direct any inquiries regarding this RFP to Debra Tocarchick, Executive Director, at 954-782-4161 or Debbie@pbpfrs.org.

All responses to this RFP must be signed by an authorized signatory of the proposer's firm and submitted no later than January 18, 2019, at 5:00 PM.