

**JACKSONVILLE POLICE AND FIRE PENSION FUND
BOARD OF TRUSTEES
SPECIAL MEETING AGENDA – OCTOBER 25, 2016
RICHARD “DICK” COHEE BOARD ROOM**

FFPF MISSION STATEMENT:

To provide long term benefits to participants and their beneficiaries

BOARD OF TRUSTEES

Lt. Richard Tuten III, Chairman
Richard Patsy, Board Secretary
Lt. Chris Brown, Trustee
William E. Scheu, Trustee
Willard Payne, Trustee

STAFF

Timothy H. Johnson, Executive Director - Administrator
Beth McCague, Consultant
Debbie Manning, Executive Assistant

CITY REPRESENTATIVES INVITED

Anna Brosche, City Council Liaison
Jason Gabriel, Chief Legal Counsel, Office of General Counsel
Steve Durden, Office of General Counsel
Joey Greive, City Treasurer

GUESTS

EXCUSED

NOTE: Any person requiring a special accommodation to participate in the meeting because of disability shall contact the Executive Assistant at (904) 255-7373, at least five business days in advance of the meeting to make appropriate arrangements.

I. CALL TO ORDER

II. PUBLIC SPEAKING PERIOD

III. OLD BUSINESS

- Review of Typical Fund Activities Requiring Legal Advice
- RFP for Legal Counsel Services
- RFP Timeline

IV. NEW BUSINESS

- Summary of Candidates
- Suggested Interview Questions and Evaluation Score Sheet

V. SCHEDULED INTERVIEW TIMES

- 1:00pm – 2:00pm – Sugarman and Susskind P.A.
- 2:00pm – 3:00pm – Mierzwa & Floyd, P.A.
- 3:00pm – 4:00pm – Rice Pugatch Robinson Storfer & Cohen PLLC

VI. ADJOURNMENT

NOTE: If any person decides to appeal any decision made with respect to any matter considered at this public meeting such person will need a record of proceedings, and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and that such record includes the testimony and evidence on which the appeal is based. The public meeting may be continued to a date, time, and place to be specified on the record at the meeting.

ADDITIONAL ITEMS MAY BE ADDED/CHANGED

REVIEW OF TYPICAL FUND ACTIVITIES REQUIRING LEGAL ADVICE

OFFICE OF GENERAL COUNSEL

HIRING OF SERVICE PROFESSIONALS (ACTUARIES, AUDITORS, MEDICAL DIRECTOR, OR INSURANCE)

CONTRACTS (EMPLOYMENT, LEASES)

FILING OR DEFENDING LAW SUITS

INTERPRETATION OF LAW AS IT RELATES TO PLAN ADMINISTRATION

QUESTIONS REGARDING SUNSHINE LAW OR PUBLIC RECORDS

EXTERNAL COUNSEL

DISABILITY APPLICATIONS, ADVISORY COMMITTEE REVIEW OF DISABILITY APPLICATIONS, HEARINGS, AND APPLICATIONS FOR SURVIVOR OR CHILDRENS BENEFITS

APPLICATIONS FOR SUSPENSION OF BENEFITS

OUT OF THE ORDINARY PENSION QUESTIONS / SITUATIONS

CONTRACTS FOR MONEY MANAGERS / CUSTODIANS

SECURITIES LENDING

SECURITIES LITIGATION

*****FROM DISCUSSION AT BOARD WORKSHOP WITH JASON GABRIEL SEPTEMBER 12, 2016*****

OFFICE OF GENERAL COUNSEL



September 6, 2016

Ref: P-59-16 GC Legal Counsel Services for Jacksonville Police & Fire Pension Fund (PFPF)

Dear Consultant:

The Jacksonville Police and Fire Pension Fund Board of Trustees (The Board) will require the professional services of an Attorney/firm to provide the above referenced legal services.. Attached is a copy of the Request for Proposal.

In order to establish a list of qualified, interested and available people, this letter is being directed to you. If interested in providing the specific services, please provide the City with the following:

- A) ONE (1) MANUALLY SIGNED ORIGINAL, TWO (2) HARD COPIES, AND THREE (3) EXACT COPIES on USB Drives (in pdf format excluding your financials) of your proposal, unless additional copies are otherwise requested in the Request for Proposals, specifically stating your interest and any other specific information or statements called for in the enclosed Request for Proposals.
- B) Cover Page containing the Consultant/Firm's name, address, and the name and address of a person who may be contacted for additional information concerning the proposal.
- C) Evidence of the Minimum Qualifications contained in Section 1.4 of the RFP.
 - 1) Section 126.110 of the Purchasing Code requires that a public official who has a financial interest in a bid or contract make a disclosure at the time that the bid or contract is submitted or at the time that the public official acquires a financial interest in the bid or contract, including but not limited to the public official's name, public office or position held, bid or proposal number, and the position or relationship of the public official with the bidder or proposer.
 - 2) A person or affiliate who has been placed on the State of Florida convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity for a period of 36 months from the date of being placed on the convicted vendor list.
 - 3) Collusion: The Proposer, by affixing his signature to this proposal agrees to the following: "Proposer certifies that this proposal is made without any previous understanding, agreement or connection with any person, firm, or corporation making a bid for the same service; and is in all respects fair, without outside control, collusion, fraud or otherwise illegal action."

Any questions regarding this RFP should be submitted via e-mail ONLY to Alex Baker at abaker@coj.net no later than 11:30 a.m. Monday, September 19, 2016.

If any addenda are issued to this RFP, a good faith attempt will be made to deliver a copy to each of those Proposers who, according to the records of the Division of Procurement, has requested a copy of this RFP, and it will be posted on the Procurement website. However, prior to submitting a proposal, it shall be the responsibility of the Proposer to contact the City's Division of Procurement at abaker@coj.net to determine if addenda were issued and, if so, to obtain such addenda for attachment to their proposal.

Your proposal must clearly bear the RFP number (P-59-16 GC) and must be received no later than 2:00 P.M. ET Tuesday, October 4, 2016, and directed to:

City of Jacksonville
Procurement Division
Attn: Professional Services Specialist
214 N. Hogan Street, Suite 105
Jacksonville, FL 32202

Your package/proposal must be date and time stamped upon receipt. If it "appears" in our offices after the deadline and there is no date/time stamp, it will be rejected.

Yours sincerely,

John Sawyer

Attorney IV
Office of General Counsel

JS ab:

Request for Proposals
For
Legal Counsel Services for Police and Fire Pension Fund

SEPTEMBER, 2016



CITY OF JACKSONVILLE
Office of General Counsel
117 West Duval Street, Ste. 480
Jacksonville, Florida 32202
Phone: (904) 255-8800
Fax: (904) 255-8837

REQUEST FOR PROPOSAL
FOR
LEGAL COUNSEL SERVICES FOR POLICE & FIRE PENSION FUND (PFPF)

RFP #: P-59-16 GC

**SECTION 1
(Specific Information Regarding this RFP)**

1.1 Introduction

The Jacksonville Police and Fire Pension Fund Board of Trustees (the “**Board**”) intends to hire an individual or law firm (“**Firm**”) to provide the legal services described in section 1.3 of this Request for Proposal (“**RFP**”). The City of Jacksonville’s Office of General Counsel (the “**OGC**”) will be responsible for overseeing and administering the resulting contract (the “**Contract**”).

Firms interested in submitting a response to this RFP (a “**Response**”) should carefully review this RFP for instructions on how to respond and for the applicable contractual terms. This RFP is divided into the following sections:

Section 1	General Information
Section 2	Instructions for Responding to this RFP
Attachment A	Response Format
Attachment B	Evaluation Criteria
Attachment C	Conflict of Interest

In the event of conflicting provisions, the following sections of this RFP will have priority in the order listed: the Contract (as defined below), Section 1, Section 2, then the Attachments.

1.2 Background

The Jacksonville Police & Fire Pension Plan (JP&FPF) is a cost-sharing, contributory defined benefit pension plan. It is the retirement plan for Jacksonville law enforcement officers and firefighters. The local ordinances governing the JP&FPF are set forth in Chapter 121, *Jacksonville Ordinance Code*. The Fund is administered by the Board of Trustees, an independent agency of the City of Jacksonville created by special act of the Florida legislature.

Current membership in JP&FPF is approximately 2200 active members, 2210 retirees and 425 survivors. Total plan assets as of June 30, 2016 were \$1,637,026,562.

1.3 Scope of Services

The services sought under this RFP (the “**Services**”), are as follows:

- The Firm will provide legal advice to the Board and the Pension Administrator on all pension, tax, employee benefit and other related matters, as requested from time to time and in coordination with the City of Jacksonville’s Office of General Counsel. Typical pension matters will include, but not be limited to, disability determinations, suspension, termination and forfeiture of benefits, beneficiary/survivor determinations, review of investment policy statement to insure compliance with all applicable laws, review and revise summary plan documents, review training or educational materials and review and advise the Board and Pension Administrator pending federal, state and local legislation relating to the Fund and with

the approval of the Office of General Counsel may be asked to negotiate vendor contracts and professional service and consultant agreements.

- The Firm will work with the Board and the Pension Office Administrator and such other retained outside consultants as requested by the Board from time to time.
- The Firm will attend Board meetings and Advisory meetings upon request and reasonable advance notice. The Board will typically give at least one month's advance notice such meetings.
- The Firm will provide annual Fiduciary Training for Trustees, Advisors and Finance Investment and Advisory Committee members. Training topics would include updating on current applicable state laws, tax, the Charter and Code, recent case decisions of import, investments and as appropriate labor law to inform the Board what is and what is not Board responsibility.
- The Firm will provide all Services in close cooperation and consultation with the OGC.
- The Services must be performed in a prompt, lawful, ethical, courteous and confidential manner at all times.

The Board anticipates a budget of \$50,000-\$100,000 per year for the Services. The actual amount paid under the Contract may vary depending on budget considerations and the actual Services performed. The Board may terminate the Contract at any time in accordance with the Contract.

1.4 Minimum Requirements

By submitting a Response, the Firm warrants and represents that the attorney who will be primarily responsible for advising the Board and managing the Contract:

1. is a member in good standing with the Florida Bar;
2. has at least ten (10) years of experience in public pension law in Florida
3. demonstrates an understanding of local government law,
4. familiarity with the use of municipal codes and charters and
5. the substantial body of jurisprudence interpreting public pension.
6. Authorized and licensed under Florida Statutes to perform the professional services sought by this RFP.

Failure to meet these requirements will result in the Response being rejected as non-responsive.

1.5 Response Due Date.

The deadline for submitting responses to this RFP is Tuesday, October 4, 2016 at 2:00 p.m. ET.

1.6 Response Delivery Location.

Responses must be delivered to the following location:

Beth McCague
Jacksonville Police and Fire Pension Fund
One W. Adams Street, Suite 100
Jacksonville, Florida 32202

1.7 Contact Person.

The Board's Contact Person for this RFP is:

Alex Baker
City of Jacksonville
Professional Services Specialist
abaker@coj.net

- 1.8 **Questions and Requests for Amendments.** Any questions, requests for information or requests for amendments to this RFP must be submitted via email ONLY to Alex Baker at abaker@coj.net no later than **11:30 a.m. Monday, September 19, 2016** in accordance with Section 2.2 of this RFP.

.....
(End of section 1)

Section 2 General Instructions

2.1 Questions and Requests for Amendment to RFP

If the Firm has questions about the RFP or believes any term or condition of the RFP is unreasonable, the Firm should request an amendment to the RFP. The request should reference the RFP section at issue and include any specific language that the Firm recommends using.

All requests for amendment must be submitted to the Contact Person in writing (via US mail, courier, facsimile, or hand delivery) and, unless otherwise specified in **Section 1.8** of the RFP, be received by the Contact Person at least **ten (10) calendar days** before the Response Due Date. Questions and requests for amendments directed to the Contact Person or to any other the Board personnel shall not constitute a formal protest of the RFP. Failure to request an interpretation or change will be considered evidence that the Firm understands and agrees to the provisions of the RFP.

A written amendment is the only official method by which interpretations, clarifications, changes or additional information will be given by the Board prior to the opening of Responses. Any other interpretation, clarification, change or information will have no legal effect.

The Board reserves the right to amend, cancel or reissue the RFP at its discretion. This includes the right to change the Response Due Date and the Contract award date.

All amendments and cancellations will be posted on the Board's website: <http://www.coj.net/departments/finance/retirement-system.aspx>. Please contact the Contact Person if you are uncertain of the website address or if you experience problems accessing it. The Firm is responsible for monitoring this website for new or changing information.

2.2 Format/Content of Responses

See Attachment A for the Response Format the Firm must follow for responding to this RFP. Responses shall be limited to a page size of 8½" x 11".

Except as specifically requested in the Response Format, the Firm may not impose any additional terms or conditions to any aspect of the RFP. The Board objects to and shall not be required to consider any additional terms or conditions submitted by the Firm, including any appearing in the Response. In submitting a Response, the Firm agrees that any additional terms or conditions shall have no force or effect. Any failure to comply with the terms and conditions of the RFP, including those specifying information that must be submitted with a Response, may result in rejection of the Response. **If the Firm desires a change or clarification to the terms or conditions of the RFP, the Firm must follow the process set forth in Section 2.1 ("Questions and Requests for Amendments").**

2.3 Submission of Responses

The location and deadline for submitting Responses is set forth in Section 1 of the RFP. The Firm is fully responsible for meeting these requirements. Reliance upon mail or public carrier is at the Firm's risk. **Late bids will not be considered.**

The Firm shall submit:

- 1) One (1) original signed version of its Response clearly marked as "ORIGINAL." The Response must be signed by an officer or employee having authority to legally bind the Firm.

- 2) One (1) scanned copy (in .pdf format) of entire Response on a separate USB Drive. Large files may be scanned as several separate PDF files.

All copies are to be placed in a sealed package. The outside must be marked with (i) the RFP title and number, and (ii) the Firm's name, address, contact person, and telephone number.

It is the responsibility of each the Firm to assure all copies are EXACT duplicates of the original Response. Photocopies or USB drive copies will be used for the purpose of evaluating the Responses. Any information contained in the original Response which has not been transferred to the USB Drives or photocopies will NOT be considered. The original document will be used solely for official record keeping and auditing purposes.

All costs related to the preparation of Responses and any related activities are the sole responsibility of the Firm. Neither the Board, the Office of General Counsel nor the City of Jacksonville assumes any liability for any costs incurred by a Firm during the RFP process.

2.4 Evaluation of Responses:

The Board will determine the qualifications, interest and availability of the Firm by reviewing all Responses and, when deemed necessary, may conduct formal interviews of the Firms determined to be the best qualified.

The determination of which Firms are "best qualified" will be based upon the criteria set forth in **Attachment B**. Before making a determination of the "best qualified", the Board reserves the right to seek clarifications, revisions, and information it deems necessary for the proper evaluation of Responses. Failure to provide any requested clarifications, revisions or information may result in rejection of the Response. The Office of General Counsel will work with the Board to facilitate the selection of the best qualified Firm.

The Board reserves the right to accept or reject any and all Responses, or separable portions thereof, and to waive any minor irregularity, technicality, or omission if the Board determines that doing so will serve the Board's best interests. The Board may reject any Response not submitted in the manner specified by the RFP.

2.5 Negotiation and Award of Contract.

Generally, the Office of General Counsel will negotiate first with the Firm deemed "best qualified." If an agreement cannot be reached with the "best qualified" Firm, the Office of General Counsel reserves the right to negotiate and contract with the next "best qualified" Firm or subsequent Firm(s) until an agreement is reached. The Office of General Counsel intends to execute one contract, but reserves the right to enter into a contract with multiple Firms or to reject all Responses.

All contract awards are subject to the approved by the General Counsel of the City of Jacksonville.

The Board shall notify all Firms whose Responses have not been accepted via electronic mail.

2.6 **Terms of Agreement.** After award to the successful Firm, the Office of General Counsel on behalf of the City of Jacksonville and the Firm will promptly enter into a written engagement letter (the "Contract") incorporating the terms of the RFP, the Response, and other terms and conditions as may be agreed to between the parties. To the extent the Response contains exceptions to or modifications to the RFP, such exceptions or modifications are stricken unless the Board and the Office of General Counsel affirmatively accept the exceptions or modifications in the Contract.

If the successful Firm fails to perform the Services as agreed, the Board reserves the right to (i) issue a new solicitation for the Services; (ii) reopen the RFP for the purpose of negotiating and awarding a second contract to another Firm in accordance with the criteria and processes set forth herein; and/or (iii) take such other actions permitted by law.

2.7 **Ex-Parte Communications.** Communications regarding the RFP by a Firm to any member of the Board, Board staff, or its legal representation outside of a public meeting are prohibited. Violations may result in the rejection/disqualification of a Response.

2.8 **Public Records Law; Process For Protecting Trade Secrets and Other Information.** All responses to the RFP are public records unless exempt by law. If the Firm considers any portion of its Response to be exempt from disclosure under Florida law, the Firm must provide the Board with a separate redacted copy of the Response and briefly describe in writing the grounds for claiming exemption from the public records law, including the specific statutory citation. The Firm shall be responsible for defending its determination that the redacted portions of its Response are confidential, trade secret or otherwise not subject to disclosure. Further, the Firm shall protect, defend, and indemnify the Board for any and all claims arising from or relating to the Firm's determination that the redacted portions of its Response are confidential, trade secret or otherwise not subject to disclosure. If the Firm fails to submit a Redacted Copy with its Response in accordance with Section 2.3 above, the Board is authorized to produce the entire Response in answer to a public records request.

2.9 **No Collusion.** Any or all Responses will be rejected if there is reason to believe that collusion exists between Firms.

2.10 **Conflict of Interest.** Section 126.110 of the Jacksonville Ordinance Code requires that a public official who has a financial interest in a bid or contract make a disclosure at the time that the bid or contract is submitted or at the time that the public official acquires a financial interest in the bid or contract, including but not limited to the public official's name, public office or position held, bid or proposal number, and the position or relationship of the public official with the bidder or the Firm. The Firm will follow the provisions of Section 126.110, Jacksonville *Ordinance Code*, with respect to required disclosures by public officials who have or acquire a financial interest in a bid or contract with the Board. All Firms must submit the Conflict of Interest Certificate attached to the RFP.

2.11 **Representations.** In submitting a Response, the Firm understands, represents, and acknowledges the following (if the Firm cannot so certify to any of following, the Firm shall submit with its Response a written explanation of why it cannot do so).

- Neither the Firm nor its owners, partners, principals or officers (i) is currently under investigation by any governmental authority for any criminal matter; or (ii) has within the preceding three-year period had one or more federal, state, or local government contracts terminated for cause or default.

All information provided by, and representations made by, the Firm are material and important and may be relied upon by the Board in awarding the Contract.

- has within the preceding three-year period had one or more federal, state, or local government contracts terminated for cause or default.
- Contractor is not listed on either the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. Pursuant to Section 287.135, Florida Statutes, the submission of a false certification may subject the company to civil penalties, attorney’s fees, and/or costs. [This certification applies to contracts of \$1,000,000 or more. A list of the companies can be found as a link to “PFIA Quarterly Reports” at www.sbafla.com/fsb/]
- Contractor has read and understands the RFP terms and conditions, and the Response is submitted in conformance with those terms and conditions.
- All representations made by Contractor to Buyer in connection with the RFP have been made after a diligent inquiry of its employees and agents responsible for preparing, approving, or submitting the Response.
- Contractor shall indemnify, defend, and hold harmless Buyer and its employees against any cost, damage, or expense which may be incurred or be caused by any error in the Response.
- All information provided by, and representations made by, Contractor are material and important and may be relied upon by Buyer in awarding the Contract.

2.12 Other Non-Discrimination Provisions. As required by Section 126.404, Jacksonville Ordinance Code, contractor represents that it has adopted and will maintain throughout the term of this contract a policy of nondiscrimination or harassment against any person with regard to race, color, sex (including pregnancy), sexual orientation, gender identity or expression, religion, political affiliation, national origin, disability, age, marital status, veteran status, or any other impermissible factor in recruitment, hiring, compensation, training, placement, promotion, discipline, demotion, transfers, layoff, recall, termination, working conditions and related terms and conditions of employment.. Contractor agrees that, on written request, it will permit reasonable access to its records of employment, employment advertisement, application forms and other pertinent data and records, by the Executive Director of the Community Relations Commission, or successor agency or commission, for the purpose of investigation to ascertain compliance with the non-discrimination provisions of the Contract; *provided however*, that Contractor shall not be required to produce, for inspection, records covering periods of time more than one (1) year prior to the effective date of the Contract. Contractor agrees that, if any of the products or Services to be provided pursuant to the Contract are to be provided by a subcontractor, the provisions of this Section shall be incorporated into and become a part of the subcontract.

(End of Section 2)

Attachment A - Response Format
RFP for Pension-Related Legal Services

To maintain comparability and facilitate the evaluation process, Responses shall be organized in the manner set forth below.

1) Cover Letter: Include the following:

- Date of Letter.
- The Firm's full name, address and phone number.
- The Firm's Federal Employer ID Number.
- Name, Title and Contact Information of the Primary Attorney for the Services
- Signature of the Primary Attorney.

2) Statement of Qualifications. This portion of the Response will be used to provide the information the Board needs to evaluate how well the Firm meets the criteria listed in Attachment B - Evaluation Criteria.

3) Conflict of Interest Form. Complete, sign and attach a copy of the form set forth as Attachment C to this RFP.

**Attachment B – Evaluation Criteria
RFP for Pension-Related Legal Services**

The evaluations will be based upon the following criteria, and the Firm is requested to provide, at a minimum, the information listed under each criterion. **Failure to provide adequate information on any criterion will result in lower scores and could result in rejection of the proposal as non-responsive.** The response to each of the criterion will be evaluated relative to the other responses received and will be awarded a score up to the maximum amount indicated.

1. COMPETENCE AND EXPERIENCE (30 points maximum score).

Provide information on the professional education and experience of the Primary Attorney and any assisting attorneys, particularly as to the representation of public and private pension boards.

Provide a list of all government entities in Duval County using the Firm in any capacity in the past two (2) years.

Provide a list of all government entities in Florida using the Firm for pension-related services in the past two (2) years.

For each client listed, provide a brief description of the work and a client contact person (with telephone number) who the Board may call. Describe any outstanding accomplishments that relate to those clients.

2. PROXIMITY TO THE PROJECT (5 points maximum score).

Document the office address at which each attorney expected to work on this project is currently located. If the attorney are not located in Jacksonville, the Firm should explain their plan for providing the services contemplated herein in a manner comparable to a firm having a local office in Jacksonville, or to show that a local office is not necessary to satisfactorily perform the services required.

3. COMMITMENT TO A DIVERSE MARKETPLACE (5 points maximum score).

Describe the Firm's past and present commitment to: (i) ethnic, racial and gender diversity among the Firm's members and/or employees; and (ii) ethnic, racial and gender diversity within its local community and beyond.

4. QUOTATION OF RATES, FEES OR CHARGES (30 points maximum score).

Describe the Firm's proposed compensation model and unit price quotations, including, without limitation, hourly rates and other charges that will ultimately be used during contract negotiations to calculate or determine total compensation.

Attachment C
CONFLICT OF INTEREST CERTIFICATE
RFP for Pension-Related Legal Services

The Firm must execute **either** Section I or Section II. The Firm must also require any public official with a financial interest in the RFP or Contract to sign the Public Official Disclosure statement that follows.

SECTION I

I hereby certify that no official or employee of the Board or the City of Jacksonville has a material financial interest (in excess of 5%) in this company.

Signature

Company Name

Name of Official (Type or Print)

Business Address

City, State, Zip Code

SECTION II

I hereby certify that the following named official(s) or employee(s) of the Board or the City of Jacksonville having material financial interest (in excess of 5%) in this company have filed Conflict of Interest Statements with the Supervisor of Elections, 105 East Monroe Street, Jacksonville, Duval County Florida, prior to bid opening.

Name	Title or Position	Date of Filing
_____	_____	_____
_____	_____	_____

Signature

Company Name

Name of Official (Type or Print)

Business Address

City, State, Zip Code

PUBLIC OFFICIAL DISCLOSURE

Section 126.110 of the Purchasing Code requires that a public official who has a financial interest in a bid or contract make a disclosure at the time the bid or contract is submitted or at the time the public official acquires a financial interest in the bid or contract. Please provide the following disclosure, if applicable.

Public Official _____

Position Held: _____

Position or Relationship with Bidder: _____

Pension Counsel Services RFP Timeline

September 6

- Request for proposal (RFP) issued as a Directed RFP to four firms

October 4

- Deadline for proposals

October 10-15

- Evaluation of proposals by staff

October 25

- Anticipated interview date

November 18

- Notice of Award

November 21-25

- Negotiations and execution of contract

December 1

- New Pension Legal Counsel in place

Summary of Candidates for Pension Legal Service Provider

Interviews Tuesday, October 25th

Sugarman and Susskind P.A.

1:00

A 7 member firm in Coral Gables representing public and private sector pensions, VEBA and health and welfare plans for over 30 years. The firm has served as special counsel to JPF&PF on forfeitures since 2012.

Clients include over 60 Florida municipal pension fund clients including 41 pension funds covering police officers and firefighters. US News & World Report recently ranked the firm in the highest level (Tier 1). Public sector pension plan comprise the majority of the firm's clients.

Founding Partner Bob Sugarman and Firm Partner Pedro Herrera will serve the Fund. Four additional attorneys serve as backup.

Fee: \$285 per hour guaranteed for 2 years
Plus reimbursement for travel expense (50% cost sharing of this expense first year)
No charge for photocopies

Mierzwa & Floyd, P.A.

2:00

A 2 member firm located in Lake Worth Florida representing over 25 benefit plans in the state and over 50 labor organizations at the state, regional and national levels in both the public and private sectors. It is a full service labor law firm and has been established over 35 years. The firm is involved in the administration of pension funds and also in the negotiation and establishment of pension benefits. Moreover the firm is heavily involved in the representation of firefighters.

Partners Matthew Mierzwa and Mark Floyd will serve the Fund with Mr. Floyd acting as our primary contact.

Fee: \$255 per hour for attorneys
\$75 per hour for paralegals.
Travel billed at half the hourly rate plus reimbursement for travel expense.
The firm does charge for shipping, certified mail and photocopying.

Pugatch Robinson Storfer & Cohen PLLC

3:00

Pugatch Robinson, a 12 member law firm, is well respected for its sophisticated business practice and offers practical litigation and transactional solutions to the complicated legal problems encountered in today's marketplace. The firm recently added a labor and employment group led by Ronald Cohen. This well respected team handles a variety of labor and employment matters, including unfair labor practices, arbitrations, wage and hour cases, discrimination cases, and commercial litigation in both State and Federal Courts, both at the trial and appellate level. The attorneys in this section are well

known for their work on behalf of public safety officers and have an extensive practice in public pension law, representing numerous public pension funds throughout the State of Florida.

Mr. Cohen would serve the Fund. He has attained an AV rating in the Martindale-Hubbard Directory.

Fee: \$300 per hour for partners and senior associates

\$235 per hour for junior associates

\$ 40 per hour for paralegals

Plus travel and lodging expenses (Travel time not billed.)

\$.15 per page for copy cost

A flat fee charge for matters except litigation and contested disability may be negotiated.

**Suggested Interview Questions and Evaluation Score Sheet
for Pension Expertise Attorney Candidates**

Rank candidates 1-5

1. Experience - Is the lawyer's experience and background compatible with our legal needs? (15%) _____

- *What funds do you represent that would be similar to the Jacksonville Police & Fire Pension Fund in size or complexity?*
- *Give us an example of pro-active legal advice you have offered your clients in the past year.*
- *If the Fund determines it has a need to seek legislative remedies what experience do you have in dealing with the Florida legislative process?*

2. Fees - Fees and how they are structured? (15%) _____

- *What are his fees and how are they structured?*
- *Who else would be working on your case and what are their rates?*
- *What additional costs may be involved in addition to lawyer fees (postage, filing fees, copy fees, etc.)?*

3. Access - Availability and prompt responses to our questions? (15%) _____

- *What level of customer service can we rely on for answers to our questions or questions from members? (phone calls back same day, written responses when needed delivered in one day, one week?)*
- *How will we be kept informed on legal developments? Written Board reports.*
- *How do you support your clients in the area of disability claim*

4. Collaboration - Someone with whom we are comfortable working? (25%) _____

- *What other funds do you support which also rely on the municipal attorneys for legal advice?*
- *When/if your opinion would differ from that of the Office of General Counsel, how would you resolve this conflict?*
- *Have you been in a situation where the need of the sponsor conflicts with the need of the plan? How did you handle this?*
- *Do you play a role in advising clients on securities litigation matters? What is that role?*
- *Have you reviewed the Charter description of the powers and responsibilities of the Office of General Counsel?*

5. Reputation (15%) _____

- *Have there been any disciplinary actions related to you or a firm you have worked for concerning matters similar to those you have bid on?*
- *References from other clients?*
- *Check lawyer's peer review ratings online at Martindale.com.*

6. Familiarity - Challenges facing PFPF (15%) _____

- *What do you see as the biggest future challenges for any Florida Police & Fire Pension Funds?*
- *What do you see as the biggest risk for our Fund?*
- *What role do you play in the review and acceptance of your pension clients' actuarial reports?*