

Request for Proposal No. 2009-5194
August 19, 2009

**PUBLIC AFFAIRS AND COMMUNICATIONS
SUPPORT SERVICES SPRING-FED POOL
REFRESH (3)**



CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
400 Q Street
Sacramento, California 95811

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PUBLIC AFFAIRS AND COMMUNICATIONS SUPPORT SERVICES SPRING-FED
POOL REFRESH (3)

REQUEST FOR PROPOSAL NO. 2009-5194

SCHEDULE OF EVENTS

RFP Release Date	August 19, 2009
Deadline to Submit Written Technical Questions	September 8, 2009 at 3:00 p.m., Pacific Time
Post Response to Written Questions	September 17, 2009
Deadline to Place Disabled Veteran Business Enterprise Advertisement*	September 21, 2009
Final Filing Date	October 6, 2009 at 3:00 p.m., Pacific Time
Preliminary Review**	October 7 -19, 2009
Evaluation of Proposals**	October 20 – November 2, 2009
Finalists Selected**	TBD
Post Notice of Intent to Award*	TBD
CalPERS Anticipated Contract Performance Start Date**	TBD

* Please refer to Attachment F, Disabled Veteran Business Enterprise Contract Participation, Section IV. Questions, Subsection C. for advertising requirements.

** All dates after the Final Filing Date are tentative and subject to change by issuance of a CalPERS eBusiness Alert.

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
PUBLIC AFFAIRS AND COMMUNICATIONS SUPPORT SERVICES SPRING-FED
POOL REFRESH (3)

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1. Spring-Fed Pool Procedures
2. CalPERS Joint Venture Policy
3. Preliminary Review Checklist
4. Proposal Evaluation Sheet
5. CalPERS Restricted Contact Policy
6. Proposed Contract
7. Questions and Answers from RFP 2005-3802

ATTACHMENTS

- A. Minimum Qualifications Certification
- B. Proposal/Proposer Certification Sheet
- C. California Taxpayer and Shareholder Protection Act Declaration
- D. Darfur Contracting Act Declaration

- E. Proposal Questionnaire**
- F. Disabled Veteran Business Enterprise Contract Participation**
- G. List of Proposed Subcontractors**
- H. Fee Proposal**

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

PUBLIC AFFAIRS AND COMMUNICATIONS SUPPORT SERVICES SPRING-FED POOL REFRESH (3)

I. INTRODUCTION

The California Public Employees' Retirement System (CalPERS), established in 1931, administers retirement and health benefits for more than 1.3 million active and retired public employees from more than 2,500 employers throughout California. CalPERS is managed by a 13-member Board of Administration. Its primary mission is to advance the financial and health security for all who participate in the System. This mission is fulfilled by creating and maintaining an environment that produces responsiveness to those we serve.

CalPERS services include administering retirement and health programs, financial planning services, supplemental savings programs, long-term care benefits, and a public agency deferred compensation program.

The CalPERS Office of Public Affairs is charged with maintaining open, effective communication with our stakeholders. This includes educating members, employers, constituents, and other interested parties on the value of our programs, services, benefits, and policies.

Proposers will be able to submit proposals as either a single staff firm or a multi-staff firm.

A single staff firm is a business that is owned and operated by one person, i.e., sole proprietor, and does not employ professional staff.

A multi-staff firm is a business that employs more than one professional staff. The multi-staff firm may be a corporation, partnership, limited liability company, or a single staff firm that employs more than one professional staff.

II. PURPOSE

On July 1, 2006, the Public Affairs Office of CalPERS established the Public Affairs and Communications Support Services Spring-Fed Pool. CalPERS now seeks to refresh the Public Affairs Pool by soliciting proposals from qualified firms that can provide the services listed in Section III, Services to be Provided, in order to add to the existing pool. The goal of this Request for Proposal (RFP) is to refresh that Spring-Fed Pool from which CalPERS can draw on an as needed basis. The overall goal in refreshing the Spring-Fed Pool is to provide CalPERS with access to a number of quality firms that have relevant experience in public affairs marketing techniques, survey and research, and benefits communication

and other related issues outlined in this RFP. The pool will be administered subject to CalPERS pool procedures outlined in Exhibit 1. None of the firms within the pool is guaranteed to receive any engagement or compensation.

III. SERVICES TO BE PROVIDED

The candidates for the pool must have a thorough understanding of the appropriate area of public affairs or communications services needed. Firms should possess a demonstrated expertise and experience in working in one or more of the following categories:

Candidates for the pool must submit a single and complete proposal for each service category (A-E) for which the candidate is proposing services: (related to one or more of, but not limited to, the following areas:)

A. Media Training

Provide services relating to message development, on-camera training and practice, and speech presentation skills.

B. Writing/Editorial Services

Provide original, non-technical text development, copy editing, ensuring content readability, and project management services on a variety of communication vehicles, including newsletters, brochures, marketing plans, web content, speeches, etc.

C. Marketing Services

Provide assistance in development of education, marketing, and outreach campaigns; develop methods to expand membership or usage of programs and products; produce product and services marketing materials; and special event coordination.

D. Survey & Research Services

Develop research vehicles, conduct surveys or focus groups, analyze results, and develop reports.

E. Specialized Benefit Communications Services

Assist, counsel, and prepare benefits-related communication materials and outreach plans.

Candidates for the pool can submit a proposal for more than one of the service categories (see Proposal Requirements, Section V).

IV. MINIMUM QUALIFICATIONS

The Proposer must meet all of the following minimum qualifications to be given further consideration. Failure to satisfy any of these qualifications and requirements upon submittal of the Proposal will result in the rejection of the Proposal. The Proposer must certify in writing on the Minimum Qualifications Certification, Attachment A, that it meets all of the minimum qualifications. Such certification must include evidence of how each qualification is met and must be signed by an individual who is authorized to bind the Proposer contractually.

The Minimum Qualifications may be satisfied by the Proposer as a joint venture as specified in the Joint Venture Policy, Exhibit 2. CalPERS Joint Venture Policy permits only joint venturers to use their combined individual experience and qualifications to fully satisfy all Minimum Qualifications. If the Proposer is submitting a Proposal based on a prime contractor/subcontractor relationship the subcontractor's qualifications cannot be used to satisfy the Minimum Qualifications.

The Proposer must meet the following minimum qualifications established for each of the service categories they wish to include in their proposal:

A. Media Training

- The firm has been in existence as a business entity performing services as listed under Section III.A. for at least five years.
- The designated staff or key personnel in the firm who will provide services to CalPERS must have a minimum of three years' experience providing media training.
- The firm must have a minimum of three national-level clients, preferably in the financial, benefit administration, or health care industries.
- The Proposer must have the work facilities, equipment, supplies, and support staff needed to perform media training services.

B. Writing/Editorial Services

- The firm has been in existence as a business entity performing services as listed under Section III.B for at least five years.
- The designated staff or key personnel in the firm who will provide services to CalPERS must have a communications-related degree, (year-for-year equivalent business experience will be accepted). These staff must also have a minimum of three years' writing or editing experience.
- The firm must have a minimum of three clients in the financial, benefit administration, or health care industries.
- Provide editing services for material, i.e., content readability, which is mailed to CalPERS members, employers, stakeholders, and all other customers.

- The firm must use established style guides (i.e., Associated Press Stylebook, Chicago Manual of Style, etc.)
- The firm must use established proofreader editing marks.
- The Proposer must have the work facilities, equipment, supplies, and support staff needed to perform writing/editorial services.

C. Marketing Services

- The firm has been in existence as a business entity performing services as listed under Section III.C for at least five years.
- The designated staff or key personnel in the firm who will provide services to CalPERS must have a minimum of three years' experience in work of similar scope and magnitude as required in this proposal in communications, public relations, marketing, or customer outreach.
- The firm must have a minimum of three clients in the financial, benefit administration, or health care industries, preferably at the national level.
- The Proposer must have the work facilities, equipment, supplies, and support staff needed to perform marketing services.

D. Survey & Research Services

- The firm has been in existence as a business entity performing services as listed under Section III.D for at least five years providing administration and analysis of survey data services to large businesses or public entities.
- The designated staff or key personnel in the firm who will provide services to CalPERS must have a minimum of five years' experience.
- The firm must have a minimum of three State or national-level clients, preferably in the financial, benefit administration, or health care industries.
- The Proposer must have the work facilities, equipment, supplies, and support staff needed to perform large-scale telephone surveys or focus groups using established industry research processes.

E. Specialized Benefit Communications Services

- The firm has been in existence as a business entity performing services as listed under Section III.E for at least five years providing services specifically related to benefit communications.
- The designated staff or key personnel in the firm who will provide services to CalPERS must have a minimum of five years' experience.
- The firm must have a minimum of three clients in the financial, benefit administration, or health care industries, preferably at the national level.
- The Proposer must have the work facilities, equipment, supplies, and support staff needed to perform specialized benefit communications services.

V. PROPOSAL REQUIREMENTS

Proposals must describe the Proposer's qualifications and expertise in the format outlined in the RFP. A Proposal will not be considered complete unless it contains all of the items described below. The forms are posted to the CalPERS website for Proposers to download. Proposers are not to alter the forms other than by providing the required information.

A. Technical Proposal

1. Cover Letter

A cover letter, which will be considered an integral part of the Proposal, must be signed by an individual who is authorized to bind the Proposer contractually. The cover letter must state the individual is so authorized and must identify the title or position that the individual holds in the Proposer's firm. An unsigned cover letter shall cause the Proposal to be rejected. The letter must contain all of the following:

- a. A statement to the effect that the Proposal is a firm and irrevocable offer good for 180 days.
- b. A statement expressing the Proposer's willingness to perform the services as described in this RFP.
- c. A statement expressing the Proposer's availability of staff and other required resources for performing all services and providing all deliverables as described in this RFP.
- d. A statement expressing the Proposer's category(ies) for which they are submitting a bid.

2. Minimum Qualifications Certification

Proposers must complete and return the Minimum Qualifications Certification, Attachment A, certifying that the Proposer satisfies all minimum qualifications and requirements. This form must be signed by an individual who is authorized to bind the Proposer contractually.

3. Proposal/Proposer Certification Sheet

Proposers must complete and return the Proposal/Proposer Certification Sheet, Attachment B. This form must be signed by an individual who is authorized to bind the Proposer contractually.

4. California Taxpayer and Shareholder Protection Act Declaration

Proposers must complete and return the California Taxpayer and Shareholder Protection Act Declaration, Attachment C. This form must be signed by an individual who is authorized to make the declaration on behalf of the Proposer.

5. Darfur Contracting Act Declaration

Proposers must complete and return the Darfur Contracting Act Declaration, Attachment D. This form must be signed by an individual who is authorized to make the declaration on behalf of the Proposer.

6. Proposal Questionnaire

Proposers must submit responses and documentation as requested on the Proposal Questionnaire, Attachment E. The information requested must be provided in the prescribed format. Responses that deviate materially from the prescribed format may lead to the rejection of the Proposal.

7. Disabled Veteran Business Enterprise Contract Participation

In accordance with Public Contract Code section 10115, et. seq., and California Military and Veterans Code section 999, et. seq., every Proposer must comply with the Disabled Veteran Business Enterprise (DVBE) contract participation requirements.

Attachment F contains information and instructions with which each Proposer must comply in order to achieve the participation goal or documents its "Good Faith Effort." All Proposers must complete and return the exhibits and the documentation required in Attachment F with their Proposal. Failure to do so may result in rejection of the Proposal.

Final determination of a Proposer's DVBE participation and/or "Good Faith Effort" shall be at the sole discretion of CalPERS.

8. Subcontractors

Proposers must complete and return the List of Proposed Subcontractors, Attachment G. All subcontractors are subject to final approval by CalPERS.

9. Joint Venture Submittals

In general, a joint venture is an association of two or more persons or companies to carry on a commercial enterprise as co-owners. As applied to this RFP, a joint venture is a partnership between the persons or companies formed for the purpose of submitting a Proposal and of performing the contract if a contract is awarded to the joint venture. If a Proposal is submitted by a joint venture, the Proposal must include the joint venture agreement and supporting documentation required by CalPERS Joint Venture Policy, Exhibit 2.

The Proposal must include copies of the forms listed below signed by each venturer. The forms may be photocopied, but shall not be retyped or modified in any manner.

- a. Cover Letter;
- b. Minimum Qualifications Certification, Attachment A;
- c. Proposal/Proposer Certification Sheet, Attachment B; and
- d. California Taxpayer and Shareholder Protection Act Declaration, Attachment C.
- e. Darfur Contracting Act Declaration, Attachment D

10. Preference Programs

The State of California (State) established the following preference programs to encourage participation in state contracting by various segments of the business community and to stimulate business and employment in geographic areas determined to be economically distressed.

a. Small Business Preference

A five percent (5%) bid preference is available to a certified small business firm. This preference is also available to a non-small business claiming twenty-five percent (25%) California-certified small business subcontractor participation. Information regarding this preference program may be obtained at www.pd.dgs.ca.gov/smbus/default.htm. The Small Business preference will be applied to those Proposers declaring their eligibility on the Proposal/Proposer Certification Sheet, Attachment B.

b. Target Area Contract Preference Act

Information regarding this preference program may be obtained at www.pd.dgs.ca.gov/disputes/default.htm. Proposers seeking to obtain a Target Area Contract Preference Act (TACPA) preference must complete and submit the Target Area Contract Preference Act Preference Request, STD. 830, with the Proposal. This form is available to download at the link provided above.

c. Enterprise Zone Act

Information regarding this preference program may be obtained at www.pd.dgs.ca.gov/disputes/default.htm. Proposers seeking to obtain a Enterprise Zone Act (EZA) preference must complete and submit the Enterprise Zone Act Preference Request, STD. 831, with the Proposal. This form is available to download at the link provided above.

d. Local Agency Military Base Recovery Area Act

Information regarding this preference program may be obtained at www.pd.dgs.ca.gov/disputes/default.htm. Proposers seeking to obtain a Local Agency Military Base Recovery Area Act (LAMBRA) preference must complete and submit the Local Agency Military Base Recovery Area Act Preference Request, STD. 832, with the Proposal. This form is available to download at the link provided above.

e. Disabled Veteran Business Enterprise Program Incentive

In accordance with Section 999.5(a) of the Military and Veterans code, a one percent (1%) incentive will be given to responsive and responsible Proposers who commit to three percent (3%), or more, DVBE participation. Information regarding this preference program may be obtained at <http://www.pd.dgs.ca.gov/smbus/default.htm>.

The DVBE Program Incentive will be applied during the evaluation process to responsive and responsible Proposers as prescribed on the Proposal Evaluation Sheet, Exhibit 4.

B. Fee Proposal

In addition to the Technical Proposal, Proposer must submit a Fee Proposal in the format prescribed in Attachment H.

VI. SUBMISSION OF PROPOSALS

- A. Proposals must be submitted as set forth below. Each Proposal must include two parts: (1) the Technical Proposal, and (2) the Fee Proposal.

1. The Technical Proposal

Submit a total of seven (7) copies of the Technical Proposal. The Technical Proposal includes the cover letter, attachments, and all other required documentation, **except** the Fee Proposal.

- a. Two (2) copies of the Technical Proposal must be **unbound**, (i.e., no binder covers, comb bindings, etc.) and submitted as follows:

(i) One unbound copy containing original signatures must be marked **"Master Copy"**, and

(ii) The second unbound copy must be marked **"Copy for Reproduction."** All pages containing proprietary information should be removed and a cover sheet must be included which provides:

1. the firm's name;
2. total number of pages; and
3. identification of all pages removed due to proprietary information.

- b. The remaining five (5) copies must be **bound** and organized in a manner to facilitate ease of review by evaluators.

2. Fee Proposal

Submit seven (7) copies of the Fee Proposal for each service category, Attachment H, and place in a separate, sealed envelope in the Proposal package. Clearly label the envelope to identify the service category to which the Fee Proposal applies. For example: **"FEE PROPOSAL FOR RFP NO. 2009-5194, Media Training category, submitted by (YOUR COMPANY NAME)."**

- B. The Proposal package(s) must be sealed and clearly marked on the outside as **"RESPONSE TO REQUEST FOR PROPOSAL NO.2009-5194, DO NOT OPEN."**

Failure to clearly identify the Proposal on the outside of the package may result in the rejection of the Proposal. CalPERS is not responsible for receipt of any Proposal that is improperly labeled and accepts no responsibility for lost and/or late delivery of Proposals.

- C. The Proposal package must be received no later than October 6, 2009 by 3:00 p.m., Pacific Time in Room W1570 addressed as follows:

U.S. Mail: Contracts Officer
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702

Personal Delivery or Commercial Delivery Services:

Contracts Officer
California Public Employees' Retirement System
Lincoln Plaza West
400 Q Street, Room W1570
Sacramento, CA 95811

All Proposal packages will be date and time-stamped upon receipt in Room W1570. Proposals received in Room W1570 after the final filing date and time will not be considered.

U.S. Mail: Proposal packages delivered via the United States Postal Service WILL NOT be delivered directly to the street address. Instead, it will be processed as bulk mail and held at a local post office for CalPERS to pick up.

Please allow sufficient time for the mailing/delivery processes mentioned above to ensure that the Proposal package will arrive in Room W1570 by the final filing date and time.

- D. Prior to the final filing date, a Proposer may withdraw a Proposal already submitted to CalPERS in order to correct, modify, or complete it. The Proposal may be withdrawn by written notification to CalPERS Contracts Officer, signed by an authorized agent. The Proposal may be resubmitted thereafter, but will not be accepted after the final filing date and time.
- E. Upon submission, all Proposals become the property of CalPERS and will be regarded as public records and may be subject to public review to the extent provided in the California Public Records Act (Government Code section 6250 et. seq.) If the Proposer seeks to exempt certain pages or items from public inspection, Proposer should clearly mark them as "PROPRIETARY INFORMATION." CalPERS will use reasonable efforts to exempt such pages or items from public disclosure, but makes no

representations or warranties that such efforts will be successful. **Please note that the entire Proposal cannot be identified as proprietary information.**

- F. Except as specifically requested by CalPERS, submission of a Proposal or any portion thereof via facsimile transmission, electronic, or magnetic media is not allowed. CalPERS will not accept or consider any Proposal material submitted in this manner.
- G. CalPERS may reject all Proposals if, based on its exclusive discretion, the Proposals do not meet CalPERS need.
- H. Only one Proposal from an individual, firm, partnership, corporation or combination thereof, will be considered. Multiple Proposals submitted by a Proposer under more than one name will be cause for rejection of all Proposals submitted by the Proposer.

VII. EVALUATION PROCESS

All Proposals received on or before the final filing date and time as specified in the Schedule of Events will be evaluated as outlined below. CalPERS may request clarifications from Proposers at any phase of the evaluation process for the purpose of clarifying ambiguities in the information presented in the Proposal. Section VIII, General Information, provides the detailed clarification process.

CalPERS, in the exercise of its exclusive discretion, may permit the Proposer to correct any error, omission, deviation, or other defect (see Section VIII, General Information). Alternatively, CalPERS may waive such error, omission, deviation, or other defect. However, such waiver shall in no way modify the RFP documents or excuse the Proposer from full compliance with the RFP requirements.

A. Preliminary Review

The Technical Proposal will be reviewed to determine completeness of required documentation and compliance with DVBE requirements as prescribed in Sections V and VI, using the Preliminary Review Checklist, Exhibit 3. CalPERS may reject any or all Proposals that fail to meet these requirements.

B. Technical Proposal Evaluation

Upon satisfactory preliminary review, the Technical Proposal will be reviewed to determine Proposer's satisfaction of Minimum Qualifications requirements. After CalPERS has ascertained that the Proposer meets

the Minimum Qualifications, the Technical Proposal will be scored by a team of CalPERS Staff.

Please note that firms should identify the appropriate firm status, single staff firm or multi- staff firm, on the Proposal Evaluation Sheet (see Exhibit 4).

Each team member will independently evaluate the Proposer's Technical Proposal, using the Proposal Evaluation Sheet, Exhibit 4. A single score for each Technical Proposal will be reached by consensus of the evaluation team. Multi-Staff firms have a maximum of 200 points, and Single Staff firms have a maximum of 150 points. Those Proposers of Multi-Staff firms with a minimum score of 150 points will continue in the evaluation process and Single Staff firms with a minimum score of 113 points will continue in the evaluation process.

C. Fee Proposal Evaluation

Proposers that are continuing in the evaluation process will have their Fee Proposal opened. A single maximum score of 100 points is assigned for both the Multi-Staff firms and the Single Staff firms. All Fee Proposals will be rated proportionately as follows:

$$\frac{\text{Lowest Fee Proposal}}{\text{Proposer's Fee Proposal}} \times \text{Possible Points} = \text{Proposer's Score}$$

Each Proposal's technical score will be combined with the fee score. The Proposals will be ranked from highest to lowest, with a maximum of 300 total points for Multi-Staff firms and 250 points for Single Staff firms. The highest scoring Proposals, by firm status, as determined by CalPERS, will be considered Finalists and continue in the evaluation process.

*The fee proposal utilized in this calculation will be the lowest fee proposal per category, from the original Request for Proposal No. 2005-3802 which was released on March 20, 2006. The lowest fee proposals per category are as follows:

Media Training (Now utilizing a half-day and full-day fee. Previous used an hourly rate and all previous rates are being modified to reflect the new fee structure.)	
Writing/Editorial Services	\$ 80.00
Marketing Services	\$130.00
Survey & Research Services	\$ 73.00
Specialized Benefit Communication	\$129.00

D. Client References

Client reference checks of each finalist will be conducted by one or more evaluators and points will be assigned (maximum of 50). Negative responses from any references by either, those required, or those that may be contacted by CalPERS staff, may be cause for rejection of the proposal. CalPERS reserves the right to contact references other than those provided by the Proposer.

The scores from Technical Proposal Evaluation and Fee Proposal Evaluation will be combined with the Client Reference scores to determine a total score for each Proposer

E. Award of Contract

1. Those Proposers of Multi-Staff firms that score at least 263 points and Single Staff firms that score at least 225 points will be placed in the pool to provide one or more of the service categories as listed under Section III, Services to be Provided.
2. Inclusion in the Spring-Fed Pool and contract award, if any, will be made to the responsive and responsible Proposer(s) having the highest total cumulative score(s), and subject to satisfaction of all requirements.
3. All Proposers will be notified of the outcome of the RFP process. Notice of CalPERS intent to award to the selected Proposer(s) will be posted in CalPERS Contracts Management Section and at www.calpers.ca.gov for five (5) State business days before the award of contract is made.
4. Once selected and appointed to the Pool, one or more of the pool of consultants may be contacted to submit a fee proposal to provide one or more of the services for which they bid. (Refer to Exhibit 1).

VIII. GENERAL INFORMATION

A. eBusiness Alerts

CalPERS eBusiness Partners registered for this RFP will receive an eBusiness Alert notification with links to the latest documents and information posted on the CalPERS website. This service is an optional communications tool and the eBusiness Partner takes full and independent responsibility for compliance with any notices, policies, procedures, documents, or requirements set forth by the content in this RFP. CalPERS eBusiness Partners are encouraged to access the CalPERS website routinely. CalPERS assumes no responsibility for any

failure of the eBusiness Alert tool to provide notification of the respective website changes.

B. Errors and Omissions

If a Proposer discovers any ambiguity, conflict, discrepancy, omission or other error in this RFP, the Proposer should immediately notify CalPERS of such error in writing and request clarification or modification of the document. This notification must be submitted pursuant to the procedures described in Section VIII.C., "Questions Regarding the RFP."

Modifications will be made by addenda issued pursuant to Section VIII, E., "Addenda." If a Proposer fails to notify CalPERS of a known error prior to the final dates of submission, or an error that reasonably should have been known, the Proposer will assume the risk of proposing. If awarded the contract, the Proposer will not be entitled to additional compensation or time by reason of the error or its later correction.

C. Questions Regarding the RFP

1. Proposers requiring clarification of the intent and content of this RFP may request clarification only by submitting questions via electronic mail to:

ossd_contractsadmin@calpers.ca.gov

Please reference RFP No. 2009-5194 in the subject line.

To ensure a response, questions must be received by the date and time specified in the Schedule of Events. Responses to questions received by this date will be posted to the CalPERS website, without identifying the source of the query, on or before the date specified in the Schedule of Events.

2. Questions regarding the competitive proposal procedure only (i.e., questions dealing with format, packaging, DVBE, etc.) may be submitted via electronic mail to:

ossd_contractsadmin@calpers.ca.gov

Please reference RFP No. 2009-5194 in the subject line.

Responses will be directed to the respective Proposer only. CalPERS will use reasonable efforts to respond to questions in a timely manner.

D. CalPERS Restricted Contact Policy

Respondents must comply with Government Code section 20153, as it exists and as amended by the Legislature and implemented by the Board of Administration from time to time, concerning restricted contact policies. A copy of the existing code section is attached as Exhibit 5.

E. Addenda

CalPERS may modify any part of the RFP, prior to the date Proposals are due, by issuance of one or more addenda. Addenda will be numbered consecutively and posted to the CalPERS website.

F. Clarifications

CalPERS may request clarifications from Proposers at any phase of the evaluation process for the purpose of clarifying ambiguities in the information presented in the Proposal. CalPERS will advise the Proposers in writing of the documentation required and the time line for submission. Failure to submit the required documentation by the date and time indicated may cause CalPERS to deem the proposal nonresponsive.

If deemed necessary by CalPERS, at its sole discretion, the following omitted and/or additional information may be collected by mail, facsimile, or other method:

1. Signed copies of any form submitted without a signature. This provision does not apply to unsigned Cover Letter. (see Section V.A.1.)
2. Data or documentation omitted from any submitted attachment or form.
3. Information and material needed to clarify or confirm certifications or claims made by a Proposer.
4. Information or material needed to correct or remedy an immaterial defect in the Proposal.

Other than information requested by CalPERS, no Proposer will be allowed to alter the Proposal or add new information after the final filing date.

G. Protest Procedures

1. Any Proposer may file a protest against the awarding of the contract. A Notice of Protest must be filed during the five (5) State

business days that CalPERS intent to award notice is posted. Within five (5) calendar days after filing the Notice of Protest, the protesting Proposer shall file with CalPERS a Statement of Grounds for Protest, which will contain a full and complete written statement specifying the grounds for the protest and the facts on which they are based. Protests are limited to the following grounds:

- a. CalPERS failed to follow the procedures stated in the RFP.
 - b. CalPERS failed to apply correctly the standards for reviewing the format requirements or failed to evaluate the Proposals as specified in the RFP.
 - c. CalPERS failed to follow evaluation and rating methods as specified in the RFP.
 - d. CalPERS proposes to award contract to other than the Proposer(s) receiving the highest rating(s) and satisfactorily meeting all requirements of the final contract negotiations.
 - e. Any applicant or Proposer that has been disqualified under the Restricted Contact Policy of the California Government Code as implemented by the Board of Administration will have the right to protest this decision, in accordance with the aforementioned protest procedures.
2. The Notice of Protest and Statement of Grounds for Protest shall be signed by an authorized individual and submitted via facsimile to:

Contracts Officer at (916) 795-3379

Please reference RFP No. 2009-5194 in the subject line.

3. Once a Notice of Protest has been filed, the contract may not be awarded until either the protest is withdrawn or CalPERS has decided the matter. If no Statement of Grounds for Protest is filed, the Notice of Protest will be deemed withdrawn.
4. Following the receipt of a Statement of Grounds for Protest, CalPERS General Counsel will determine whether the protest is to be resolved by written submission of material or decided by a Board-appointed "Protest Review Committee." Parties will be provided the applicable protest procedures and schedule. The decision of the General Counsel and/or Committee shall be final and all parties will be notified of the decision.

5. There is no basis for protest if all Proposals are rejected based on the best interests of CalPERS.

H. Other Criteria

1. Right to Reject Any or All Proposals

The policy of CalPERS is to solicit Proposals with a bona fide intention to award a contract. This policy will not affect CalPERS right to reject any or all Proposals or to cancel the solicitation at any time.

2. Proposer's Costs

All costs for developing Proposals and attending interviews at CalPERS headquarters are entirely the responsibility of the Proposer and shall not be chargeable to CalPERS.

3. Review of Proposals Subsequent to Contract Award

Written or oral Proposal evaluation debriefings will not be given to unsuccessful Proposers. However, all Proposals and all evaluation and scoring sheets, which are retained by CalPERS as a permanent record, shall be made available for public inspection.

4. Subcontracting Subsequent to Contract Award

If, at any time during the term of the contract, CalPERS or the Contractor require the previously unanticipated expertise of a specialist(s) to provide services contemplated in this RFP, upon agreement by both parties and under the direction of the Contractor, a subcontractor(s) relationship may be established at CalPERS expense and the fee negotiated at the time the subcontracting relationship is established.

5. Conflict of Interest

Compliance is required with California Public Contract Code Sections 10410 and 10411 relating to employment of current and former state employees.

6. Corporate Qualifications To Do Business In California

Proposers who are either foreign or domestic corporations must be in good standing and must be qualified to do business in California currently and during the term of the contract.

7. Follow-On Contracts

No person, firm, or subsidiary thereof or their officers or directors, who has been awarded a consulting services contract, or a contract which includes a consulting component, may submit a proposal or be awarded a contract for the provision of service, delivery of goods or supplies, or any other related action that is required, suggested, or otherwise deemed to be an outgrowth of advice or recommendations submitted pursuant to the consulting service contract.

8. Execution of Contract

The contract will be executed on the CalPERS Standard Agreement, Form STD. 213. If the contract is awarded to a joint venture, all venturers will be required to sign the contract. Exhibit 6 sets forth CalPERS minimum contract provisions. CalPERS may modify the contract provisions or incorporate additional provisions if it is in the best interests of CalPERS.

9. News Releases

News releases pertaining to the award resulting from this RFP shall not be made without prior written approval from CalPERS Chief Executive Officer or his designee.