ETE0017 – Federal Tax Counsel to the State of Wisconsin Employee Trust Funds Board for the Wisconsin Retirement System and Related Programs

Vendor Questions and Answers

Posted to ETF Extranet on 2/6/15

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| Q1 |  |  | Who is the current counsel who provides the services of the type described in the RFP?  |
| A1 |  |  | Ice Miller LLP |
| Q2 | Appendix F | 42 | What rates are paid to current counsel for services of the type described in the RFP? |
| A2 |  |  | From approximately $218.00 to $517.00 per hour, depending on the work. |
| Q3 | 1.1.6 | 6 | In Table 3 Calendar of Events, the table notes that the proposal due date is February 16, 2015, which falls on President’s Day, a federal holiday. Can you please confirm that your offices will be open on that day to date and time stamp the proposals as requested on the RFP’s cover page? |
| A3 |  |  | Yes, the Wisconsin Department of Employee Trust Funds will be open for business on February 16, 2015.  |
| Q4 |  |  | Do you see major benefits initiatives or implementation of already identified plan design or regulatory modifications on the horizon for the 2015-16 periods that would result in material work under this RFP? If so, please describe the items in question to the extent you are able to (in light of confidentiality or other concerns) and, if you have a sense, how relatively labor intensive these items would be. |
| A4 |  |  | We do not see major benefits initiatives or implementation of already identified plan design or regulatory modifications for the 2015-2016 period. The RFP contains a list of the work we anticipate:*The scope of this contract will include:*1. *Advise on drafting of proposed legislation, regulations, rules, policies and plan documents regarding benefit plans under Chapter 40 of the Wisconsin Statutes to ensure compliance with the qualification provisions for public employee retirement plans under the IRC to maintain the status of the WRS as a governmental plan under 26 USC § 414(d) and 29 USC § 1002(32).*
2. *Provide legal advice and guidance on federal tax and international tax matters relating to the administration of public employee benefit plans under the IRC and related Treasury Regulations and Chapter 40 of the Wisconsin Statutes.*
3. *Respond to and represent the WRS in the event of an IRS examination of any retirement or benefit plans administered by ETF.*
4. *Represent or assist in the representation of ETF before the IRS if the IRS seeks fines, forfeitures, penalties or other recovery for non-compliance by ETF in the administration of the WRS.*
5. *Provide timely informational updates regarding changes to federal law and regulations that may affect the WRS.*
6. *Work with ETF staff, or, as directed by ETF, with other entities, to resolve issues related to tax-preferred programs administered by third parties.*
7. *File a request for a determination letter before the WRS’ current determination letter expires.*
8. *Upon request, attend board meetings and other staff meetings in Madison, Wisconsin. Travel costs to be reimbursed consistent with State authorized rates. Vendor must submit qualified receipts to receive reimbursement.*
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| Q5 |  |  | Are you currently facing major audit or controversy issues either arising from government review or from claims? If so, please provide a general sense of the areas of concern and how that work would be covered under this RFP. |
| A5 |  |  | No. |
| Q6 |  |  | If any, what is the major concern or concerns that you have about the work being provided to you by the incumbent(s) in the areas covered by the RFP? |
| A6 |  |  | We have no major concern or concerns about the work being provided by the incumbent in the areas covered by the RFP. The existing contract and available extensions are expiring on June 30, 2015, and may not be extended. We are required to seek a new contract with outside tax counsel. |
| Q7 |  |  | Can you please give us any sense of how much work you envision being covered by this RFP, in terms of number or hours worked and/or fees paid? If it is possible to do so, information about the level of legal services relevant to this RFP that you have used for 2015 year to date, 2014, and 2013 would be very helpful. |
| A7 |  |  | The range of work provided by current tax counsel has varied in each fiscal year. The F.Y. range has been from 100+ hours to almost 400 hours. |
| Q8 |  |  | We view our potential role in this matter as assisting the State of Wisconsin Employee Trust Funds Board, the Department of Employee Trust Funds, and the Wisconsin Retirement System (WRS) and related programs; and not, for example, as representing the State of Wisconsin or other state agencies, local governments, or public educational entities. We believe this approach is consistent with the work we would actually be doing if selected under this RFP and with how we have structured our arrangement for other public plan clients. In this way we can be more efficient in terms of conflicts clearances, and so this is our preferred approach. Please advise if you view this approach as acceptable. |
| A8 |  |  | Yes. ETF is an agency of the State of Wisconsin and does act on behalf of the State. However, the representation provided under the contract would not be representing the State of Wisconsin, other state agencies, local governments, or public education entities. |