



*Strength. Service. Commitment.*

**San Diego County Employees Retirement Association  
Request for Proposals  
Hearing Officer Services  
Issued January 8, 2018**

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The San Diego County Employees Retirement Association (SDCERA) invites qualified individuals to respond to this Request for Proposals (RFP). Successful respondents will serve on SDCERA's panel of hearing officers who preside over disability retirement benefits administrative hearings.

SDCERA's Procedures and Regulations for Disability Retirement Matters and SDCERA's Ex Parte Communication Policy can be downloaded from the SDCERA website at: [http://www.sdcer.org/board\\_policies.htm](http://www.sdcer.org/board_policies.htm)

**SECTION I  
CALENDAR OF EVENTS AND GENERAL INFORMATION**

Five printed copies of your proposal must be received by SDCERA no later than **5:00 p.m.** on **February 12, 2018** in a sealed package or packages. All proposals must be delivered to:

SDCERA  
2275 Rio Bonito Way, Suite 100  
San Diego, CA 92108-1685  
Attention: Alyse Goldstein

Alternatively, you may forward one electronic copy of your proposal, in both Microsoft Word and PDF format, to: [AGoldstein@sdcer.org](mailto:AGoldstein@sdcer.org), subject line: "Hearing Officer RFP Proposal."

SDCERA will not consider RFPs received after this deadline.

During the pendency of the RFP, there shall be no contact with SDCERA Board members, SDCERA's Chief Legal Officer, or other SDCERA staff except as set forth above.

**No Reimbursement For RFP Expenses**

SDCERA will not reimburse any fees, expenses, or other costs incurred in connection with responding to this RFP, including the costs of preparing the response, providing any additional information and attending an interview or interviews. All material submitted in response to this RFP will become the sole property of SDCERA. SDCERA expressly reserves the right to utilize any and all ideas submitted in the proposals received unless covered by legal patent or proprietary rights.

## **Interviews**

Interviews may be conducted at SDCERA's discretion. All RFP respondents selected for interview will be notified of the interview date(s) at least five (5) days in advance.

## **Confidentiality**

All responses to this RFP become the property of SDCERA and will be kept confidential until such time as a recommendation for an agreement has been announced. Thereafter, submittals are subject to public inspection and disclosure under the California Public Records Act. If a respondent believes that any portion of his or her submittal is exempt from public disclosure, such portion may be marked "confidential." SDCERA will use reasonable and legally permissible means to ensure that such confidential information is safeguarded to the extent that SDCERA, in its independent judgment, concludes that the information is in fact exempt from disclosure, but SDCERA will not be liable for inadvertent disclosure of such materials, data and information. Submittals marked "confidential" in their entirety will not be honored and SDCERA will not deny public disclosure of all or any portion of submittals so marked.

By submitting information with portions marked "confidential," the respondent represents they have a good faith belief that such material is exempt from disclosure under the California Public Records Act and agrees to reimburse SDCERA for, and to indemnify, defend and hold harmless SDCERA, its officers, fiduciaries, employees and agents from and against: (a) any and all claims, damages, losses, liabilities, suits, judgments, fines, penalties, costs and expenses including, without limitation, attorneys' fees, expenses and court costs of any nature whatsoever (collectively, Claims) arising from or relating to SDCERA's non-disclosure of any such designated portions of a submittal if disclosure is deemed required by law or court order.

## **SECTION II PROPOSAL REQUIREMENTS**

In setting forth his or her qualifications, each respondent shall provide, in concise but adequate detail, the information sought below. An RFP response that does not include the information required below may be deemed non-responsive and subject to rejection. Responses shall be limited to 10 single-sided pages (not including resumes or writing sample).

1. Please provide the following general information:

- Full Name
- Address
- California State Bar No.
- Any Other State Licenses

- Year First Admitted To Practice In California
  - Year First Admitted To Practice
  - All California Bar Certified Specialties And Year Of Certification
2. Attach a current resume
  3. Attach a legal writing sample under 5 pages in length prepared solely by you within the last year.
  4. On a separate sheet briefly summarize (less than one page) your experience in the disability law and/or related areas.
  5. If your main area of legal work during the last five years has been anything other than disability, please briefly (less than one page) summarize your work and focus areas.
  6. On a separate sheet please list three professional references including name, address, telephone and e-mail contact information and a brief description of your professional association with the reference.
  7. Do you have administrative and/or paralegal support services available to you? If so, please briefly describe each support staff member and their area(s) of expertise.
  8. Identify the nature of any potential conflict of interest you might have in providing services to SDCERA. Also specifically state whether you or your firm(s) has ever represented, been employed by, or otherwise provided services to the County of San Diego, the San Diego Superior Court, the Board of Supervisors for the County of San Diego and/or any employee groups or employee associations within SDCERA. If so, state the name of each such client, the nature of your representation and the time frame of your representation.
  9. List any pending, settled or litigated malpractice claims or state bar complaints filed against you in the last 10 years.
  10. SDCERA Hearing Officers are expected to carry professional liability insurance. Please state whether you are currently insured, and if so, the coverage amounts and whether such coverage would include hearing officer services. If you do not carry applicable insurance, please state whether you are willing to obtain relevant insurance coverage.

## **SECTION III EVALUATION AND SELECTION**

### **Evaluation Criteria**

SDCERA will consider the following factors:

1. Experience and expertise in administrative hearings and related areas.
2. Capability in providing hearing officer and/or similar services.
3. Information provided by client references.
4. Quality and completeness of proposal.
5. Interviews, if necessary.

### **Selection Process**

SDCERA will review all RFP responses to determine responsiveness. Any response that does not address all requested requirements or is otherwise incomplete will be rejected.

SDCERA will evaluate all responses based on the evaluation criteria. Respondents will have the opportunity to clarify Proposals for the purpose of assuring a full understanding of their responsiveness to the RFP.

SDCERA may conduct interviews with respondents found to be most qualified to perform the services required, based upon the criteria listed in this RFP. If so, respondents will be notified in advance of the proposed interview date.

All respondents will be notified in writing once Hearing Officer candidates have been selected.

## **SECTION IV CONTRACT PERIOD**

The term of the contract will be for a three-year period. SDCERA may, in its sole discretion, terminate, postpone or delay all or any part of the contract at any time during that term upon 30 days written notice. SDCERA may, in its sole discretion issue up to two one-year extensions of the contract.

Successful respondents must agree to provide SDCERA with audit access on request during the term of the contract and for seven (7) years thereafter.

## **SECTION V SCOPE OF SERVICES**

SDCERA intends to select several attorneys to serve on its panel of hearing officers. The attorneys selected will have demonstrable qualifications to handle the types of disability hearing matters described below. Respondents must be active members of the State Bar of California and must have a minimum of five years of experience in administrative agency proceedings. Prior experience in a judicial or quasi-judicial position is preferred.

Hearing officers are engaged as independent contractors and are compensated at the rate of \$225 per hour. Any time spent training or otherwise becoming familiar with relevant disability retirement law and SDCERA policies and procedures is considered non-billable. Time spent on travel is considered non-billable unless substantive work is performed during such travel time. Time spent on administrative or ministerial tasks is not considered billable. Costs are not subject to SDCERA reimbursement, including, but not limited to, costs related to travel, mileage, administrative support staff, phone, fax, photocopies, regular postage and legal research databases.

SDCERA makes no representation as to the amount of work, if any, that may be given to any candidate selected pursuant to this RFP.

All disability matters are governed by the California Employees Retirement Law of 1937, located at California Government Code section 31450, et seq.

SDCERA's hearing officer duties include the following:

### **Disability Hearing De Novo**

SDCERA's hearing officers preside over disability retirement applications during the hearing de novo phase of the application.

Hearing officers are responsible for managing all aspects of the hearing de novo, including, without limitation: administration and master calendar oversight of cases, conducting hearings, reviewing evidence, and the rendering of written proposed findings of fact, conclusions of law and a recommended decision.

Disability hearings typically focus on whether the applicant is permanently incapacitated, and if so whether the applicant's employment substantially contributed to the incapacity. However, disability hearings may also include: threshold or right to file issues, Skelly hearing issues and processes, *ex parte* communication issues, effective date issues, privacy and confidentiality of medical and personnel records, personnel and disciplinary actions and their impact on the disability application process, prior and pending legal matters relating to the member, the applicant or the department, return to work issues, accommodation issues and other disability retirement eligibility and benefit calculation issues.

Completion of all disability hearings, including submission of the Hearing Officer's proposed findings of fact, conclusions of law and recommended decision is expected, with some limited exceptions, within a 160-day schedule.

**SECTION VI**  
**LIMITATIONS AND CONDITIONS**

This RFP does not commit SDCERA to award a contract, pay any costs incurred in the preparation of a response, or procure or contract for services of any kind whatsoever. SDCERA reserves the right, in its sole discretion, to negotiate with any or all respondents, or to cancel this RFP in whole or in part.

Respondents may be requested to clarify the contents of their RFP responses.

All material submitted in response to this RFP will become the sole property of SDCERA.