

FEBRUARY 23, 2022



REQUEST FOR PROPOSAL

EXECUTIVE SEARCH SERVICES

DEPUTY CHIEF INVESTMENT OFFICER
CHIEF FINANCIAL OFFICER
CHIEF INFORMATION TECHNOLOGY
INFORMATION SECURITY OFFICER
PRINCIPAL INVESTMENT OFFICER
SENIOR INVESTMENT OFFICER

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1. REQUEST FOR PROPOSAL

The Los Angeles County Employees Retirement Association (LACERA) is seeking proposals from Executive Search Firms, with substantial and relevant experience in recruiting C-Level executives, for the recruitment and selection of each of the following positions:

Deputy Chief Investment Officer (Unclassified),
Chief Financial Officer,
Chief Information Technology (Unclassified),
Information Security Officer,
Principal Investment Officer, and
Senior Investment Officer.

2. BACKGROUND

Los Angeles County Employees Retirement Association (LACERA) administers and manages the retirement fund for the County of Los Angeles. It is the largest county retirement system in the United States, with approximately \$75 billion in assets, serving 185,000 members and more than 69,000 benefit recipients. As an independent governmental entity, LACERA is separate and distinct from the County of Los Angeles. Its fiduciary responsibility is to promote, enhance, and efficiently administer a financially sound retirement and health care benefits program through prudent investments and the conservation of plan assets.

LACERA is committed to being a premier public pension system and viewed as an industry leader in its administrative practices, innovative strategies, advanced technological applications and general expertise. These qualities define a professional management team that engages staff, provides leadership toward goals and mission, and symbolizes an effective role model for the values of the organization. LACERA has an impressive track record of introducing and implementing processes, technologies and business practices that not only improve the service and quality to our membership, but also influence or lead the entire pension industry.

Based in beautiful Pasadena, California, LACERA's staff of approximately 500 budgeted positions is comprised of individuals from diverse backgrounds, all contributing to the excellence and mission of LACERA to provide the promised benefits to our Members. LACERA greatly values diversity and inclusion and believes in supporting firms committed to a diverse and inclusive workforce and non-discrimination based on gender, race, ethnicity, sexual orientation, age, veteran's status, and other legally protected categories. In 2017, WorldatWork recognized LACERA with the Seal of Distinction for creating a distinct positive work environment. Winning this award reflects LACERA's commitment to cultivating a work culture dedicated to the professional development and experience of our employees. In 2018, IPMA-HR awarded LACERA with the Agency of the Year award for outstanding accomplishments in the creation of our Training, Charitable Giving, and Lactation Support Initiatives.

LACERA GOVERNING BOARDS

Board of Retirement (BOR) – This Board is responsible for the overall management of the retirement system. Under the policy guidance of the BOR and the direction of the Chief Executive Officer (CEO), LACERA strives to create innovative ways to streamline and expedite retirement processes, integrate new technologies, and introduce new member services options and upgrades.

Board of Investments (BOI) – This Board is responsible for establishing LACERA's investment policy and objectives, as well as exercising authority over the investment management of the fund and actuarial matters. Diversified investments include Stocks/Equities, Fixed Income/Bonds, Real Estate and Alternative Assets.

LACERA'S MISSION, VISION AND VALUES

Mission - To Produce, Protect, and Provide the Promised Benefits

Vision – Excellence, Commitment, Trust and Service

Values - Professionalism, Respect, Open Communications, Fairness, Integrity & Teamwork

3. ABOUT THE POSITIONS

The following information summarizes the positions, the entire job specifications can be found on LACERA's website: www.lacera.com/who-we-are/careers

Deputy Chief Investment Officer, Unclassified (DCIO)

The **DCIO** will report directly to the Chief Investment Officer (CIO) as part of the senior leadership team in Investments. The DCIO is a new and unclassified position and will have responsibility for assisting the CIO in the planning, organization, and direction of all operations of LACERA's Investment Office for the administration of the pension fund. The asset classes include: Real Asset and Inflation Hedges, Growth Assets, and Credit and Risk Mitigating Strategies.

The DCIO will be accountable for duties such as internal oversight; managing Board packages; day-to-day administration of the division, such as staffing and personnel issues; oversight of Private Equity Co-investments, Public Equity Trading, Bond Compliance; and the expansion of ESG initiatives, compliance, and governance. The DCIO will be authorized to act (if necessary) in the absence of the CIO.

The duties for the DCIO, include but will not limited to the following:

- Oversees the Principal Investment Officers in the overall investments and administration of the Investment Office.
- Participates in developing and articulating a strategic vision and obtaining support for implementation.
- Formulates and evaluates organizational policy, operational practices, and programs by formulating revisions in policies and develops changes in organization, staffing, work processing, and management as needed to increase effectiveness and efficiency of LACERA.

- Establishes reporting mechanisms to keep the Board informed as to the status of LACERA's investment programs and the procedures used to implement it.
- Standardizes policy and procedural guidelines to ensure consistency with investment strategies adopted by the Board and compliance with state and federal laws.
- Makes recommendations to the Board on the selection of external managers, funds, and contractors.
- Advises the CIO as to the impact on the investment program from information released to the public, press, legislature and other similar matters as needed.
- Directs preparation of the Investment Office budget to ensure adequate staffing and resources to meet the goals and objectives of the Investment Office.

Chief Financial Officer (CFO)

The **CFO** receives administrative direction from an Assistant Executive Officer, LACERA, and is responsible for the overall management of LACERA's Financial and Accounting Services Division. The position is responsible for administering, planning and directing, through subordinate managers and supervisors, all core corporate and investment accounting functions and developing long-range integrated plans to ensure the effective operations of fiscal management activities and the provision of accurate, timely, and useful financial reports.

The duties for the CFO, include but are not limited to the following:

- Oversees and directs the administration of all aspects of LACERA's fiscal operations and programs, including corporate and investment accounting; cash management; short and long-range strategic planning; financial statement reporting; compliance reporting (e.g., tax agencies, regulatory, oversight, plan sponsor); and retirement payroll functions.
- Directs fiscal related policies, programs, and accounting systems associated with financial management and accounting operations, and develops, recommends, and implements appropriate changes where needed.
- Implements division-wide or department-wide auditor recommended corrective actions to ensure plan assets are controlled, safeguarded, and used exclusively for the benefit of LACERA members and beneficiaries.
- Develops, implements, and maintains comprehensive financial reporting processes to ensure accuracy, timeliness, and compliance with GAAP, GASB, CERL, and other regulatory standards and guidelines.

Chief, Information Technology, (Unclassified) (CIT)

The **CIT** is an unclassified position that has executive, administrative, project management, organizational, and technical responsibility for assisting the Information Systems Manager, LACERA in the overall coordination of information technology (IT) and telecommunications projects and programs addressing organizational systems requirements, as well as the service needs of individual divisions.

The duties for the CIT, include but are not limited to the following:

- Assists in the planning, organizing, and directing of all operations including formulating policy, directing its execution, and evaluating work accomplished.
- Assists in directing the preparation of the LACERA's IT Strategic Plan, and monitors accomplishments to ensure plan objectives are achieved.

- Assists in directing the preparation, dissemination, and monitoring of policies, guidelines, standards, and metrics for IT.
- Assists in directing the review of proposed new major IT projects and programs; and makes recommendations to management and LACERA's Boards on projects and implementation for divisions.
- Assists in directing the development and maintenance of an inventory of IT systems, technological oversight systems, and related resources.
- Assists in directing the Division's fiscal and administrative functions.
- Assists in providing oversight to ensure compliance with State and Federal regulations on implementation of privacy and security requirements.
- Assists in long-range and strategic planning of LACERA's IT program.

Information Security Officer (ISO)

The **ISO** is a new position over directs organizational information security programs that are designed to provide the protection and confidentiality of data, along with other information assets of LACERA.

The position has a primary responsibility for formulating and promulgating policy, and developing, managing, monitoring, evaluating, and integrating LACERA's information security and privacy related programs designed to protect all LACERA's Information Technology (IT) systems and data. ISO directs information security and related privacy efforts for LACERA.

The duties for the ISO, include but are not limited to the following:

- Oversees the development and implementation of department-wide IT security policies, comprehensive organizational information security programs, and procedures to protect LACERA from internal and external IT threats and vulnerabilities.
- Develops and maintains short- and long-term strategies for optimizing LACERA's Information Security Plan and formulates and recommends organization-wide policies for detecting, deterring and mitigating information security threats.
- Directs and participates in the identification of security risks, research, development and implementation of security management practices, and the measurement and monitoring of security protection measures.
- Directs the handling of IT security breaches and related incidents, including overseeing the activation of the incident response teams, investigations, and reporting.
- Reviews and recommends the professional development curriculum for LACERA IT security and privacy staff to ensure adequate and appropriate training standards in security and protection measures and coordinates related training and awareness programs.
- Directs the development and promotion of security and privacy awareness training and education for all levels of LACERA's organization on an ongoing basis.
- Participates in the development and implementation of disaster recovery and business continuity plans, to ensure that appropriate IT security measures are addressed.
- Participates in the development, implementation and compliance monitoring of IT security agreements, business associate agreements, chain-of-trust agreements, and other agreements or requirements.

PRINCIPAL INVESTMENT OFFICER (PIO)

These classified positions are found in the Investment Office of LACERA. **PIO's** manage and direct broad investment programs and provides direction to investment staff who have direct responsibility for internal and/or external investment programs for LACERA.

The Investments Division is comprised of the following asset classes: Public Equities, Private Equity, Real Assets (Infrastructure, Natural Resources, Commodities), Real Estate, Fixed Income, Hedge Funds, Illiquid Credit, Direct Investments (Private Markets), Portfolio Analytics (Risk Management) and Environmental, Social and Governance (Stewardship).

The positions are responsible for providing administrative and technical direction to subordinate who have direct responsibility for the overall management of a combination of the asset classes, Under the direction of the Chief Investment Officer, LACERA, the positions are responsible for all aspects of pension fund investment management including asset allocation and liability analysis, investment program structure, implementation and monitoring.

The duties for the PIO, include but are not limited to the following:

- Directs the implementation of investment policies and strategies within the assigned asset class(es).
- Directs, plans, and supervises the activities of the investment staff assigned to each asset class.
- Directs and coordinates the activities between LACERA's Senior Investment Officers and external managers, advisors, and consultants.
- Develops and executes reporting mechanisms to keep the Board of Investments and the Chief Investment Officer sufficiently and appropriately informed about the status of LACERA's investment programs and the procedures used to implement these programs.
- Develops policy and procedural guidelines to ensure consistency with investment strategies adopted by the Board of Investments and compliance with state and federal laws which are applicable to the asset class(es) managed.
- Represents LACERA in the investment community, the media, the legislature, and among constituents as a participant in various functions and an expert spokesperson on investment matters relating to LACERA as directed by the Chief Investment Officer, LACERA and/or the Board of Investments.

SENIOR INVESTMENT OFFICER (SIO)

SIO's supervise the overall management of one of the LACERA's asset classes and provides direction to staff who assist in the management of the assets.

These positions are responsible for providing administrative and technical supervision to Financial Analyst, LACERA staff in the planning and monitoring of LACERA's asset classes. Under the direction of a Principal Investment Officer, LACERA, the Senior Investment Officer, LACERA is responsible for individual asset class investments, including developing and

recommending investment structure and policy, monitoring managers, and implementing Board approved plans.

The duties of the SIO, include but are not limited to the following:

- Supervises the development and implementation of an investment management strategy in accordance with the goals and guidelines established by the Board of Investments.
- Develops and recommends to the Board of Investments policies, portfolio investment structures and strategies for designated asset classes.
- Designs, develops and implements policies, procedures and guidelines to manage the portfolio consistent with the investment strategies adopted by the Board of Investments.
- Prepares and presents written reports to the Board of Investments concerning problem managers and quarterly performance measurement reports.
- Monitors outside investment managers to ensure performance and portfolio strategies adhere to investment mandates and contractual compliance.
- Conducts investment manager searches for the Board of Investments including evaluating Request for Proposals, conducting manager interviews, analyzing portfolio performance and investment management style and on-site visits.
- Coordinates the work of and acts as a liaison for consultants with LACERA management and the Board of Investments.
- Supervises the analysis, evaluation, and recommendation of new investment vehicles and trading practices to LACERA management and the Board of Investments.

4. SCOPE OF SERVICES REQUESTED

The selected Search Firm will provide executive search services to LACERA and the services will be coordinated through LACERA's Search Committee, with respect to recruitment of the DCIO, CFO, CIT, ISO, PIO and SIO. Proposals can be submitted for any number of the position(s), and does not have to include all positions(s).

The services shall include, but are not limited to, the following:

1. Meet with LACERA's Search Committee and/or appropriate Hiring Manager to obtain information regarding expectations, requirements, and responsibilities of the position(s).
2. Develop detailed Position Specification reflecting ideal candidate profile, job requirements, experience, education, knowledge, skills and abilities required for the position, including creating the recruitment flyer and brochure.
3. Develop strategy to obtain a diverse and highly qualified candidate pool for consideration by LACERA's Search Committee.
4. Prepare recruitment plan(s) with timelines reflecting key milestones.
5. Spearhead a direct networking campaign to attract top talent, including personal outreach and executing an active advertising plan which may include national, regional, in-state and local advertising elements as determined through initial meetings with the LACERA Search Committee.
6. Review resumes and screen applicants, evaluate candidate's qualifications, and confirm information through individual interviews.
7. Provide periodic status reports and weekly telephone conference updates with LACERA's Search Committee. This includes providing assessments and insights of

- candidates to assist LACERA in determining recruitment progress and quality of candidate pool.
8. Verify finalists' education and background checks.
 9. Prepare written in-depth profiles on highly qualified candidates referred for consideration.
 10. Provide a candidate pool of four (4) to eight (8) highly qualified diverse candidates for the position(s). Candidates should be pre-qualified as to acceptance of LACERA's compensation/benefits parameters, receptive to relocating to the Los Angeles area, and possess a desire for the position.
 11. In conjunction with LACERA, develop and participate in the final interview process, including developing appropriate questions, identifying panelists, scheduling, and related matters.
 12. Review interview results with the LACERA's Search Committee and consider additional candidates, if required.
 13. Provide advice and counsel to the LACERA's Search Committee to ensure that a successful candidate emerges from the group of highly qualified professionals identified for consideration.
 14. Conduct in-depth reference checks to verify candidates' employment qualifications, attitudes, and individual strengths.
 15. Assist with the development of the Employment Offer and compensation negotiations, as needed.
 16. Notify prospective candidates who were not selected.
 17. Attend and participate in meetings of LACERA's Search Committee, as requested, to successfully complete the engagement.
 18. Assist in negotiations and communications with the successful candidate, as requested.

PROPOSED TIMELINE

The goal of LACERA is to have the DCIO, CFO, CIT and ISO in place by **August 1, 2022**. The PIO and SIO positions will be at a later date. In addition to the executive search process, LACERA must complete a hiring/background process before an individual may begin employment. The hiring/background process can take up to three (3) weeks to complete; therefore, it is our objective that the executive search for the Positions be completed by **June 2022**.

Below is an anticipated timeline for selection of a Search Firm and execution of a contract under this RFP.

RFP Issue Date:	February 23, 2022
Deadline for Submission of RFP Questions by Search Firms	March 7, 2022
LACERA response to Submitted Questions from Search Firms	March 14, 2022
Deadline for Proposals from Executive Search Firms	March 22, 2022
Review of Proposals and Short-Listing of Firms	March 28, 2022
Interview Short-Listed Firms and Final Selection	April 4, 2022

5. SUBMITTAL OF PROPOSALS

This Section of the RFP lists requirements for specific written responses or confirmations. To be considered for selection, Proposers must demonstrate in their proposal that it meets the following requirements and has provided all required information.

PROJECT SCOPE

LACERA is seeking a full-service Executive Recruitment Firm to execute a successful search for our next DCIO, CFO, CIT, ISM, PIO, and SIO. Services are expected to include, at a minimum, designing and executing steps to define the search; identifying, evaluating, and recommending potential candidates that meet the requirements for the position; presenting those candidates to the LACERA Search Committee; and managing the process through to a final hiring decision.

KEY PROJECT DELIVERABLES

Proposer should have extensive experience in performing private and public sector searches with specific experience in recruiting top executives. The Proposer should have demonstrated the ability to conduct nationwide searches at this level.

TECHNICAL REQUIREMENTS

The Proposer shall provide the following in their response to this RFP:

- a) A brief description of their Firm and scope of their practices, including information relating to its organization management practices, and diversity and inclusion policies and track record such as whether your business is certified as either a Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Disadvantaged Business Enterprise (DBE), LGBT Business Enterprise (LGBTBE), and/or Disabled Veteran Business Enterprise (DVBE).
- b) A list of similar executive recruitments conducted in the last three (3) years, including a history of diversity placements (Table Attached).
- c) Names, qualifications, and experience of personnel (of your Firm and the individual who will lead this effort) to be assigned to this recruitment(s), including experience in conducting executive searches for private and governmental entities.
- d) Three (3) Client References related to similar projects completed in the past three (3) years, including at least two (2) governmental entities.
- e) Strategy and proposed method of recruiting and screening potential candidates, including a comprehensive explanation of the approach the firm will take to this recruitment, including candidate identification, evaluation and background checks, other assistance to the search committee, the interview process, final selection, and completion of employment.
- f) Method of candidate presentation.
- g) Proposed cost/fee structure, including travel expenses, timing of invoices, incidental expenses, and payment schedule.
- h) Confidentiality safeguards.
- i) Disclosure of any existing off-limit recruitment restrictions.
- j) Commitment to verification of academic and/or professional credentials, civil/criminal background checks, and social media screening.

- k) A proposed timeline to accomplish the proposed recruitment process, along with a statement confirming ability to meet the proposed recruitment timeline enclosed.
- l) Assessment tools/methodology utilized.
- m) Other information applicable to the Project.

PRE-CONTRACT EXPENSES

LACERA shall not in any event be liable for any expenses incurred by the proposer in the preparation or submission of its proposal. The Proposer shall not include any such expenses as part of its proposal.

RFP QUESTIONS AND ANSWERS

Any questions regarding this RFP shall be directed to Annette Cleary, Assistant Director, Human Resources, by letter or email:

Los Angeles County Employees Retirement Association

300 North Lake Avenue, Suite 630

Pasadena CA 91101

Email Address: acleary@lacera.com

Questions will be accepted up to 5:00 P.M. on **March 7, 2022**. All questions received will be compiled and disseminated to all responding participants at least three (3) days before the RFP submission deadline. Questions and answers will be posted on www.lacera.com in the RFP section under "Executive Search Services" by **March 14, 2022**. No questions will be answered by telephone.

6. DELIVERY OF PROPOSAL

Please deliver an electronic copy of your proposal no later than 5:00 PM, **March 22, 2022**, to:

Annette Cleary

Assistant Director, Human Resources

Los Angeles County Employees Retirement Association

Email address: acleary@lacera.com

By submitting a proposal, the Proposer represents that it has thoroughly examined and has become familiar with the requested services and the contents of this Request for Proposal ("RFP") and that it is capable of performing quality services to achieve LACERA's objectives. The Proposer is responsible for requesting clarification of any deficiency, ambiguity, error or omission contained in this RFP, or any provision in this RFP that the proposer fails to understand. Any communication regarding this RFP must be submitted by email or hardcopy.

The information you submit in response to this RFP becomes the exclusive property of LACERA. LACERA will not return the proposal or reimburse for proposal preparation expenses.

PERIOD FOR AWARD OF CONTRACT

LACERA may award a Contract for any accepted proposal up to 120 days from the date that proposals are due. The pricing, terms and conditions stated in your response must remain valid for 120 days from the **March 22, 2022**, deadline for proposals submission.

7. PROPOSAL REVIEW, EVALUATION, NEGOTIATION AND SELECTION

LACERA will initially review all proposals to determine the responsiveness to this RFP. LACERA will perform an evaluation of each proposal. Criteria used as the basis for evaluation shall include:

- Adherence to RFP Instructions
- Professional capability, demonstrated competence, and specialized experience of the proposer
- Staffing capability, workload, and ability to meet schedules
- Experience and education of key personnel
- Diversity and inclusion efforts within the Firm and in executive recruitments
- Nature and quality of completed services for other clients
- Reliability and continuity of firm
- Work plan and methodology
- Proposed Agreement terms and Price Proposal

The factors will be considered as a whole, without a specific weighting. The balancing of the factors is in LACERA's sole discretion. Factors other than those listed may be considered by LACERA in making its selection.

LACERA may request selected proposers to participate in an interview. Selected proposers will be asked to reserve one hour for interviews and will be notified in advance of the exact time and place for the interview. It is anticipated that interviews will be scheduled during the first week of April.

LACERA may reject all proposals without further discussion or commence negotiations with the best qualified Proposer. If LACERA commences negotiations, LACERA may negotiate any component of the proposal. The proposer on the other hand, may raise issues only to the extent they are interrelated with negotiated topics raised by LACERA.

In the event negotiations with the initial Proposer are not successful, LACERA may suspend negotiations with the initial proposer and commence negotiations with the next best-qualified proposer. This process shall be followed until negotiations are successfully concluded or LACERA, at any time, rejects all proposals.

ADDITIONAL INFORMATION

LACERA may at any time request additional information or clarification from the Proposer or may request the Proposer to verify or certify certain aspects of its proposal.

ADDENDA

LACERA may from time-to-time, amend this RFP by addenda.

WITHDRAWAL OF PROPOSALS

The Proposer may withdraw its proposal(s) before the due date by means of a written request signed by the Proposer or its properly Authorized Representative. Such written request must be delivered to LACERA prior to the due date.

LACERA'S RIGHTS REGARDING RFP

LACERA reserves the right to:

- Disqualify any Proposer in accordance with the instructions herein;
- Reject any and all proposals, at their discretion, including proposals found to be conditional or incomplete, contain irregularities or found to be not responsive to this RFP;
- Investigate the qualifications of any Proposer under consideration;
- Require confirmation of information furnished by the Proposer;
- Require additional evidence of qualifications to perform the services described in this RFP;
- Contact the submitted references regarding the information provided in the proposal;
- Postpone or cancel the entire RFP or a portion thereof;
- Postpone the proposal opening or award for its own convenience;
- Award a contract to other than the lowest cost Proposer;
- Award a contract in part or in combination of items, negotiate in part or in combination of items;
- Issue subsequent RFPs;
- Appoint Evaluation Committees to review the proposals;
- Seek the assistance of outside technical experts to evaluate the proposals;
- Disqualify a proposal upon evidence of collusion, with intent to defraud, or other illegal practices on the part of the Proposer;
- Waive any errors or informalities in any proposal to the extent permitted by law; and
- LACERA has no obligation to consider any proposal unless it is responsive to this RFP.

This RFP does not commit LACERA to enter into any type of contract.

NOTICE REGARDING THE CALIFORNIA PUBLIC RECORDS ACT AND BROWN ACT

The information you submit in response to this RFP will be subject to public disclosure pursuant to the California Public Records Act (Cal. Gov. Code Sections 6250, et. seq., the "Act") in the sole discretion of LACERA based on its interpretation of its legal obligations under the Act. The Act generally provides that all records relating to a public agency's business are open to public inspection and copying, unless specifically exempted under one of several exemptions set forth in the Act. In addition, if LACERA staff chooses to recommend your firm to the Board of Retirement for hiring, such recommendation and the relevant proposal(s) will appear on a publicly posted agenda for a public meeting of the Board of Retirement in accordance with the Ralph M. Brown Act (Cal. Gov. Code section 54950, et seq., the "Sunshine Law"), and parts or all of your proposal may be included in the

agenda packet that is available to the public generally. If it is included in the agenda packet, your proposal will not be exempt from disclosure under the Act.

If you believe that any portion of your response to this RFP is exempt from public disclosure under the Act and should not be included as part of any public agenda packet, you must mark such portion "TRADE SECRETS", "CONFIDENTIAL" or "PROPRIETARY" and make it readily separable from the balance of your response and offer a brief explanation for the exemption under the Act. Responses marked "TRADE SECRET", "CONFIDENTIAL" or "PROPRIETARY" in their entirety will not be honored, and LACERA will not deny public disclosure of all or any portion of responses so marked. By submitting a response with material marked "TRADE SECRET", "CONFIDENTIAL" or "PROPRIETARY," you represent you have a good faith belief that the material is exempt from disclosure under the Act; however, such designations will not necessarily be conclusive.

You may be required to justify in writing why such material should not, upon request, be disclosed by LACERA under the Act and should not be included in the agenda packet. Fee and pricing proposals are not considered "TRADE SECRET," "CONFIDENTIAL," or "PROPRIETARY". LACERA may also in its sole discretion produce any information in your response, including information marked "TRADE SECRET," "CONFIDENTIAL," or "PROPRIETARY," in response to a Public Records Act request if LACERA believes it is required by law to do so.

If a request is made pursuant to the Act for materials you have marked "TRADE SECRET", "CONFIDENTIAL" or "PROPRIETARY" and LACERA agrees that the material requested is not subject to disclosure under the Act, LACERA will either notify you so you can seek a protective order at your own cost or expense, or LACERA will deny disclosure of those materials. If LACERA denies public disclosure, then by submitting your proposal you agree to reimburse LACERA for, and to indemnify, defend, and hold harmless LACERA, its officers, fiduciaries, employees, and agents from and against 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 LACERA's non-disclosure. By submitting your proposal, you also agree to indemnify, save, and hold LACERA harmless from and against any and all Claims arising from or relating to LACERA's public disclosure of any such designated portions of your response if LACERA reasonably determines disclosure is required by law, or if disclosure is ordered by a court of competent jurisdiction.

Nothing in this RFP requires LACERA to withhold any documents from production under the Act.

EX PARTE COMMUNICATIONS

Commencing on the date of this RFP and continuing until award of the Contract or cancellation of this RFP, no proposer shall have any *ex parte* communications regarding this RFP with any member of LACERA's staff, its Governing Boards, or any of its contractors or consultants involved with the procurement, unless expressly permitted by this RFP. Any proposer engaging in such prohibited communications may be disqualified at the sole discrimination of LACERA. The foregoing shall not preclude any proposer from participation in public meetings of LACERA's Boards.

LABOR LAWS

All labor performed under the Contract shall conform to the laws of the State of California, as more specifically set forth in the Labor Code. In addition to Labor law requirements, the Contractor must comply with nondiscrimination and compliance requirements (2 CCR § 8201).