

Worcester Retirement System

Request for Proposal

Legal Services

The Worcester Retirement Board (WRB), the Board, is seeking proposals from qualified law firms or individual attorneys to provide legal services on behalf of the WRB, on an as needed basis, with specific experience representing Massachusetts public retirement boards or systems. The WRB serves as the pension system for the City of Worcester, Worcester School Department, Worcester Housing Authority, and the Worcester Regional Transit Authority.

Preference will be given to the attorney or law firm possessing knowledge and proficiency with MGL Chapter 32, PERAC Regulations CMR 840, have represented a Massachusetts public pension retirement board(s) or system(s) and possess at least three (3) years of legal services to other Massachusetts public employee retirement boards.

The information submitted in the proposal, including experience, qualifications and fee schedule will be reviewed for the purpose of selecting a firm to provide legal representation. Favorable fees will be a factor in the selection process; however, the attorney or firm's experience, qualifications, resources, and level of proposed services will be key factors in determining the firm to represent the WRB

I. General Information and Bid Submission Requirements

- a. Submissions must be received no later than 12:00 PM EST on or prior to October 3rd, 2025, by the Worcester Retirement Board at 455 Main Street, Worcester, MA 01608 (“Submission Deadline”)
- b. All Qualified and selected firms will be interviewed at the Board’s discretion on a date set by the Board.
- c. The Board intends to award a contract on or before December 31st, 2025. The System may cancel this Request for Proposal (“RFP”) or reject in whole or in part any and all submissions, if the Board determines that cancellation or rejection serves the best interests of the System. The Term of agreement will include the full scope of services in this Request for Proposal and the term of the contract shall be negotiated at the time of the vendor selection. The Board reserves the right to terminate the contract for any reason on thirty (30) days’ written notice.
- d. The Board reserves the right to request additional information from the firms responding to this request.

- e. The Board reserves the right to reject any and all responses to this request, to waive any minor informality in a response, to request clarification of information from any firm responding and to affect any agreement deemed by the Board to be in the Board's best interest with one or more of the firms responding. The Board reserves the right to amend or cancel this RFP at any time. All responses and their contents will become the sole property of the Board upon receipt by it.
- f. The Board will not reimburse any firm for any costs associated with the preparation or submitting any response to this request regarding any travel and/or per diem incurred in any presentation of such responses.
- g. Any addendum will be issued if any changes are made to this RFP. The addenda will be mailed or faxed or emailed to all individuals or firms on record as having responded to this RFP.
- h. An individual or firm may correct, modify, or withdraw a bid by written notice received by the Board prior to the submission deadline. Modifications must be submitted in a sealed envelope clearly labeled "Modification No. ____". Each modification must be numbered in a sequence and must reference the original submission.
- i. After the submission deadline, provisions of the bids may not be changed in a manner prejudicial to the interests of the System or fair competition. The submission cost proposal must remain firm for 6 months after the submission deadline.
- j. Please provide a physical copy of the submission along with an electronic or digital version on a flash drive, or compact disc , or emailed to POSKEL@worcesterma.gov
- k. Please provide a copy of a sample contract.
- l. Please provide a completed and executed Vendor TIN Certification form.
- m. Please ensure that "Legal Services RFP" & "Price Proposals" are submitted in separate sealed envelopes. Any Legal Services Proposal received with Price Proposal information shall be cause for rejection.

- n. The envelopes should be marked:
 - i. RESPONSE TO REQUEST FOR PROPOSAL – LEGAL SERVICES
SUBMITTED BY _____
 - ii. RESPONSE TO REQUEST FOR PROPOSAL – PRICE
SUBMITTED BY _____
- o. The bid must be signed by the authorized individuals.
- p. Proposals shall be opened in the presence of one (1) or more witness in the Worcester Retirement Office, 455 Main Street, City Hall Room 103 Worcester, MA. 01608 on October 3rd, 2025, at 12:00pm EST.
- q. The selected attorney or firm must file all disclosures as required by the Public Employee Retirement Administration Commission (PERAC) as part of the RFP process. These disclosures include a disclosure of arrangements for compensation paid or to be paid by the attorney or firm or a related person in connection with the services the attorney or firm provides to the retirement board or any other client. A disclosure of compensation in whatever form paid to expected to be paid by the attorney or firm may have that may interfere with the ability of said attorney or firm to provide unbiased and objective services to the WRB.

II. Disqualification of Responses

- a. Late Responses: Responses that are received after the deadline date and time shall be automatically disqualified.
- b. Collusion: Collusion by two or more bidders agreeing to act in a manner intended to avoid or frustrate fair and open competition is prohibited and shall be grounds for rejection or disqualification of a proposal or termination of this contract.
- c. Debarred Bidders: A bidder who is currently subject to any city, state, or federal debarment order or determination, shall not be considered for evaluation.

III. Candidate Questionnaire

- a. List the name of your firm, address and telephone number of the home office and address of the office(s) providing services under the contract.
- b. Provide a general description of the firm including size, number of employees, primary business, other businesses or services, and the type of organization (franchise. Partnership, corporation, etc.)

- c. Identify the staff that will render services under the contract, including a summary of their professional qualifications and experiences, and any specific experience providing pension legal services to public pension systems created by M.G.L. c. 32.
- d. Identify the staff that would have direct contact with the Board.
- e. Identify professional personnel who would perform the work under the contract, including a summary of their professional qualifications and experience that do not have specific M.G.L. c. 32 experiences.
- f. State the availability and location of staff and other required resources for performing all services responsive to this RFP and whether to perform the services described in the RFP, current staff performing said duties.
- g. Identify the M.G.L. c. 32 public pension plan(s) for which the individual(s) identified in item “c” and “d” above have provided pension legal services within the last (3) years. Provide the name, title, address and telephone number of the person responsible for administration of each plan.
- h. List any formal complaints, claims, legal actions or other proceedings filed with the regulatory agencies, administrative agencies, arbitrators or courts against individuals or the entity as a result of pension legal services provided by the firm and/or its staff within the last (5) years.

IV. **Purchase Description**

The System is a Massachusetts Retirement System created pursuant to M.G.L. c. 32 §§ 1-28 inclusive and governed by the rules and regulations promulgated by the Public Employee Retirement Administration Commission (“Commission”). The System is comprised of member units with a total membership of 8,378 as of January 1, 2025, including 5,633 members and 2,745 retirees or survivors. The System is directed by 5 Board members and employs 5 full time staff members. The Worcester Retirement Board (WRB) is seeking proposals from qualified law firms or attorneys to provide legal services on behalf of the WRB, on an as needed basis, with specific experience representing Massachusetts public retirement boards or systems. The WRB serves as the pension system for the City of Worcester, Worcester School Department, Worcester Housing Authority, and Worcester Regional Transit Authority.

V. **Scope of Work**

- a. Potential Types of Legal Services Required:
 - i. Under the direction of the Board, Counsel will be expected to keep abreast of and provide on-going advice and counsel with respect to matters bearing upon all areas for which the firm or attorney has been

retained.

Set forth below is a summary of legal services to be provided by outside counsel. It is not intended to be comprehensive but rather general guidance as to the scope of services.

1. Disability Application Review and Evidentiary Hearings.
2. Representation in appeals before the Division of Administrative Law Appeals (DALA) and Contributory Retirement Appeals Board (CRAB).
3. Representation in appeals before District and Superior Court
4. Investment Management Agreements and related documents
5. Supplemental regulations
6. Administrative hearings under G.L. 32§15

b. Special Provisions:

- i. The proposal may cover any areas which you deem to be relevant. The Proposer will be expected to provide the following to the Board:
 1. Provide a summary of related legal experience including a list of all current and former Massachusetts public retirement board or system clients. Said list, should include the commencement date and end date of representation of each client.
 2. Describe the firm's policy on staffing for deposition, trial work and rate increases, if applicable.
 3. Describe any potential conflicts of interest, whether past or pending, which exist with the WRB or its members.
- ii. The separate information relative to fees should include:
 1. Bidder must list hourly rate of all attorneys and staff that may perform billable services related to this assignment.
 2. List charges, if any, for telephone calls, file review, copying, facsimile, transmission, messenger service, etc.
 3. Describe the attorney or firm's billing procedure, i.e. monthly, bi-monthly, or otherwise.
 4. List those items for which the firm will expect reimbursement, including, but not limited to, travel, time, and related expenses,
 5. Indicate if a retainer is required and a description of any retainer process.

VI. **Evaluation of Proposals**

- a. The contract shall be awarded to the responsible and responsive proposer, whose proposal is deemed most advantageous to the Worcester Retirement Board, taking into consideration the evaluation criteria set forth in the Pension Legal Services Proposal and the price set forth in the Price Proposal.

- b. The Proposal shall be evaluation by individuals within the Worcester Retirement Board and staff based on criteria contained herein.
- c. A 3 year contract with two options to extend for 2 years will be awarded to the most responsive and responsible proposer whose proposal is determined to be the most advantageous taking int considering cost and evaluative criteria.
- d. The Retirement Board will evaluate the proposals as highly advantageous, advantageous, and no advantageous based on the evaluation criteria. The Retirement Board will then develop a composite rating. A short list of attorneys or firms to be interviewed will be selected from the composite rating list.
- e. The Worcester Retirement Board reserves the right to request additional information or clarifications to any proposal. The Board reserves the right to reject any and all proposals and award a contract as deemed to be in the best interest of the Worcester Retirement System. The determination as to whether or not to make an award as a result of this RFP shall be at the sole and absolute discretion of the Worcester Retirement Board.
- f. All proposals shall remain firm for up to one hundred and eighty (180) calendar days after the proposal opening.
- g. Any proposal designated as the apparent winning proposal shall be subject to a vote of the Worcester Retirement Board and the execution of a written agreement.

VII. **Minimum Qualifications:**

- a. Any Proposer submitting a proposal must satisfy the following minimum qualifications. *Proposals which do not demonstrate compliance with the minimum qualifications will not be considered.*
- b. Provide documentation demonstrating your compliance with each qualification or reference what page number within your proposal that this documentation can be found.
- c. The minimum qualifications necessary to be considered under this RFP are the following:
 - i. Must possess knowledge and proficiency with M.G.L. Chapter 32 and PERAC Regulation CMR 840
 - ii. At least 3 years of legal services to another MA public retirement board

- iii. As of 1/1/2025, the proposer must have provided legal services to at least 1 other Massachusetts public employee retirement board client.
- iv. The proposer must maintain liability coverage for proposers' actions under this RFP.

VIII. **Comparative Evaluation Criteria**

- a. Provide documentation demonstrating your compliance with each criterion or reference what page number within your proposal this documentation can be found
 - i. Experience providing legal services to MA public retirement boards
 - 1. Highly Advantageous: The Proposer has five (5) or more MACRS community clients
 - 2. Advantageous: The proposer has three (3) to five (5) MACRS community clients
 - 3. Not advantageous: The proposer has less than three (3) MACRS community clients
 - ii. Quality of Legal Services
 - 1. Highly Advantageous: The proposer has demonstrated in their proposal that they possess sufficient staff and resources to provide the retirement board with legal services that are superior to those required in the Scope of Services section of this RFP
 - 2. Advantageous: The proposer has demonstrated in their proposal that they possess sufficient staff and resources to provide the retirement board with legal services that meet all of the requirements in the Scope of Services section of this RFP
 - 3. Not advantageous: The proposer has not adequately demonstrated in their proposal they possess sufficient staff and resources to provide the retirement board with legal services that meet the minimum requirements in the Scope of Services section of this RFP
 - iii. Quality of the Proposal
 - 1. Highly Advantageous: The proposer has submitted a proposal that is complete in all respects, follows the organization of the RFP and responds to all requirements. The Proposal is clear, concise, and easy to understand.
 - 2. Advantageous: The proposer has submitted a proposal that is complete in all respects, generally follows the organization of the RFP and responds to all requirements.
 - 3. Not advantageous: The proposer has submitted a proposal that is nearly complete in all respects, although it does not follow the organization of the RFP and responds to most of the requirements.
 - iv. Qualifications of attorney(s) providing legal services

1. Highly Advantageous: The proposer demonstrated in their proposal that they possess the technical qualifications to provide the retirement board with legal services that are superior to those required in the Scope of Services section of this RFP.
2. Advantageous: The Proposer has demonstrated in their proposal that they possess sufficient technical qualifications to provide the retirement board with legal services that meet all the requirements in the Scope of Services section of this RFP.
3. Not advantageous: The Proposer has not adequately demonstrated in their proposal that they possess sufficient technical qualifications to provide the retirement board with legal services that meet the requirements in the Scope of Services section of this RFP.

IX. References

- a. Provide a minimum of three (3) references that can be contacted, including their contact information

X. Certification

- a. An individual or entity responding to this RFP must certify in writing as follows:
 - i. “I undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean a natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.”

Signature of individual submitting proposal

Names of business

