

Arkansas Public School Resource Center
1401 West Capitol, Suite 315
Little Rock, Arkansas 72201

RFP # 01-2019

**REQUEST FOR PROPOSALS
FOR**

Public School Funds Investment Opportunity Program Manager / Investment Manager

DUE DATE: June 28, 2019

KEY INFORMATION SUMMARY SHEET

APSRC
Request for Proposals
For Public School Funds Investment Opportunity Program Manager/Investment Manager

RFP # 01-2019

Issuing Officer: Robert Brech
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Submit Proposals to: Arkansas Public School Resource Center
Attn: Robert Brech
1401 W. Capitol Ave., Suite 315
Little Rock, Arkansas 72201

Solicitation Issue Date: May 24, 2019
Deadline for Receipt of Questions: June 7, 2019
Proposal Due Date: June 28, 2019
Tentative Contract Award: July 19, 2019

Notice: Prospective offerors (the "Offerors") who received this document from a source other than the APSRC, should immediately contact the APSRC and provide their name and mailing address in order that amendments to this Request for Proposals ("RFP" or "solicitation") or other communications can be sent to them. Any prospective Offeror who fails to notify the APSRC with this information assumes complete responsibility in the event that they do not receive the amendments and other communications from the APSRC prior to the closing date.

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SECTION I. PROCUREMENT INFORMATION

1.1 Summary Statement

The Arkansas Public School Resource Center (“APSRC”), a service-oriented, nonprofit membership organization that offers support, technical assistance and training to charter schools and school districts across Arkansas, is interested in the creation, implementation, and marketing of the Public School Funds Investment Opportunity Program in Arkansas. The APSRC is soliciting proposals from qualified firms, organizations, and/or a consortium of allied financial services companies to serve as Plan or Program Manager for the Public School Funds Investment Opportunity Program. The Public School Funds Investment Opportunity Program is being created by APSRC to assist schools in maximizing returns on funds that are currently being held in various financial institutions. A qualified program manager will implement and manage a superior investment vehicle to primarily appeal and be sold directly to APSRC member schools, geared to the anticipated needs and investment objectives of public schools, design a simple and efficient enrollment process, provide seamless administration, recordkeeping and responsive customer service, all at the lowest cost to public schools.

1.2 Procurement Method

The APSRC will conduct this solicitation in accordance with a sealed proposals process and will award a single contract arising from this RFP (the “Contract”).

1.3 Issuing Officer and Program Manager

Arkansas Public School resource Center
1401 W. Capitol Ave., Suite 315
Little Rock, Arkansas 72201
Issuing Officer: Robert Brech
Phone: (501) 492 4300
Email: rbrech@apsrc.net

The sole point of contact for purposes of this procurement is the Issuing Officer. The APSRC may designate others to act on his or her behalf. This designee may be referred to as the Program Manager. The APSRC may change the Program Manager or the limits of his or her authority at the APSRC’s discretion.

1.4 Schedule of Events

<u>Event</u>	<u>Date</u>
Solicitation Issue Date	May 24, 2019
Deadline for Receipt of Questions	June 7, 2019
Proposal Due Date	June 28, 2019
Tentative Date of Contract Award	July 19, 2019

1.5 Questions and Inquiries

All Offerors should direct their questions and inquiries to the Issuing Officer as identified in Section 1.3 above. Questions must be submitted in writing by mail or via email and received by the Issuing Officer no later than 2:00 p.m. local time on June 7, 2019. Oral questions will not be permitted. If the questions or inquiries pertain to a specific section of the RFP, Offerors must reference the relevant page and section number(s).

1.6 Submission Requirements and Deadline

To be considered for award, Offerors must submit to the APSRC a package containing one (1) written original of the Technical Proposal and one (1) written original of the Price Proposal, each in separate sealed envelopes. The submittal must be delivered to the APSRC offices located at 1401 West Capitol, Suite 315, Little Rock, AR 72201.

Additionally each Offeror must provide to the APSRC on compact disk or flash drive one electronic copy of the Technical and Price Proposals submitted. As with the written submission, the electronic copy submission of the Technical Proposal and the Price Proposal must be provided in separate sealed envelopes.

Refer to Section IV. Proposal Format for Two-Volume Submission requirements.

All submissions shall indicate the RFP Title and number and the Offeror's name and address. Proposals must be received by the APSRC no later than 2:00 p.m. local time on June 28, 2019.

1.7 Duration of Offer

Proposals submitted in response to this solicitation are irrevocable for 120 days following the later of the proposal due date or the date the Issuing Officer receives final best and final offers, if any. At the request of the Issuing Officer, the Offeror may agree in writing to extend this period.

SECTION II. GENERAL INFORMATION

2.1 Electronic Distribution

This RFP is posted on the website of the ASPRC at www.ASPRC.net. Potential Offerors wishing to receive copies of the written document should contact the Issuing officer identified in Section 1.3.

2.2 Revisions to the RFP

The ASPRC reserves the right to amend this RFP at any time prior to the proposal due date and time. If it becomes necessary to revise this RFP at any time prior to the proposal due date and time, the APSRC will provide amendments to all prospective Offerors that were sent this RFP or otherwise are known by the Issuing Officer to have obtained this RFP. Offerors will be required to acknowledge in writing the receipt of all amendments. In addition, the APSRC will post amendments to the RFP on the APSRC Web Page at <https://www.ASPRC.net>. The APSRC will send amendments made after the due date for proposals only to those Offerors who submitted a timely proposal.

Failure to acknowledge receipt of amendments does not relieve the Offeror from complying with all terms of any such amendment.

2.3 Cancellation of the RFP; Rejection of All Proposals

The APSRC may cancel this RFP, in whole or in part, or may reject all proposals submitted in response whenever this action is determined to be fiscally advantageous to public schools or otherwise in its best interests.

2.4 Proposal Acceptance; Discussions

The APSRC reserves the right to accept or reject any and all proposals, in whole or in part, received in response to this RFP, to waive or permit cure of minor irregularities, and to conduct discussions with any or all qualified Offerors in any manner necessary to serve the best interests of the APSRC or public schools. The APSRC also reserves the right, in its sole discretion, to award the Contract based upon the written proposals received without prior discussions or negotiations.

2.5 Incurred Expenses

The ASPRC will not be responsible for any costs incurred by an Offeror in preparing and submitting a proposal in response to this RFP.

2.6 Proposal Form

Offerors should prepare proposals simply and economically, providing a straightforward, concise description of the Offeror's proposal for meeting the requirements of this procurement.

2.7 Confidential Information

An Offeror should give specific attention to the identification of those portions of its proposal that it considers confidential, proprietary commercial information or trade secrets, and provide justification why such materials, upon request, should not be disclosed by the ASPRC.

If either the Technical or Pricing proposal contains material that is considered by the Offeror to be confidential under state or federal law for any reason including because it is proprietary, copyrighted, or capable of giving an unfair advantage to competitors, the Offeror must submit one electronic copy of

the proposal in PDF readable format with that material redacted. Submit separate copies for the Technical proposal and the Pricing proposal, if both have material to be redacted. Include in those submissions a document containing the basis for the claim of confidentiality or potential unfair advantage.

2.8 Contract Affidavit

All Offerors are advised that if a Contract is awarded as a result of this solicitation, the successful Offeror will be required to complete a Contract Affidavit. A copy of this Affidavit is included for informational purposes as Appendix B to this RFP. This Affidavit need not be submitted with an Offeror's proposal.

2.9 Representations

By submitting a proposal in response to this RFP, the Offeror represents that it is in compliance with all federal, State and local laws applicable to its activities and obligations under the Contract. Further, if selected for award, the Offeror agrees that these representations will continue in effect during the term of the Contract.

2.10 No Guarantee of Work

No Contractor is guaranteed any minimum amount of work or compensation.

SECTION III. SCOPE OF SERVICES AND REQUIREMENTS

3.1 Background

The APSRC seeks proposals from qualified Financial Institutions to provide services for the Public School Funds Investment Opportunity Program in compliance with all applicable state and federal requirements. The APSRC seeks services that represent the best value for the investment of public school funds in the State of Arkansas.

3.2 Mandatory Requirements

Each Offeror shall specifically and clearly state in its proposal that it meets the following requirements. Failure to do so may result in the rejection of the proposal by the Program Manager.

3.2.1. The APSRC seeks an Offeror to provide management of funds currently held in Arkansas public school accounts. Funds management would include, but not be limited to, custody services, cash management, investment services, including, but not limited to: recommendations related to asset allocation and underlying investment selection, buying and selling of investment products, and monitoring and reporting of investment performance.

3.2.2. The Offeror must have a plan for business continuity and recovery as a result of disaster.

3.2.3. The Offeror's financial statements must be audited annually by an independent certified public accounting firm and receive an unqualified opinion of the auditor in connection with the audit.

3.3 General Requirements

3.3.1. The successful Offeror shall at all times observe and comply with federal and Arkansas state laws, local laws, ordinances, orders, and regulations existing at the time of or enacted subsequent to the execution of the Contract which in any manner affect the completion of the work. The successful Offeror shall indemnify and save harmless the APSRC and participating public schools and all of their officers representatives, agents, and employees against any claim or liability arising from or based upon the violation of any such law, ordinance, regulation order or decree by an employee, representative, or sub-contractor of the successful Offeror.

3.3.2 Offerors should note the following regarding the APSRC's contracting criteria, and amend any documents accordingly. Failure to conform to these standards may result in rejection of a successful Offeror's response:

- A. The APSRC will not contract with another party:
 - 1. To pay any penalties or charges for late payment or any penalties or charges which in fact are penalties for any reason.
 - 2. To indemnify and defend that party for liability and damages.
 - 3. Upon default, to pay all sums that become due under the final contract.
 - 4. To pay damages, legal expenses, or other costs and expenses of any party.
 - 5. To conduct litigation in a place other than Pulaski County, Arkansas.

6. To agree to any provision of a contract that violates the laws or constitution of the State of Arkansas.
- B. A party wishing to contract with the APSRC should:
1. Include in its contract that the laws of the State of Arkansas govern the contract.
 2. Acknowledge in its contract that contracts become effective when awarded by the APSRC.

3.4 Minimum Service Requirements

Please indicate your compliance with the following requirements in your proposal.

3.4.1 Funds Management

APSRC seeks an Offeror to provide management of funds of Arkansas public School accounts. Funds management would include, but not be limited to, custody services, cash management, investment services, including, but not limited to, recommendations related to asset allocation and underlying investment selection, buying and selling of investment products, and monitoring and reporting of investment performance.

APSRC prefers successful Offeror with competitively-priced fees and proven ability to deliver similar Services. In order to meet the diverse needs of designated beneficiaries in the Program, the APSRC seeks both long and short-term investment options, along with FDIC-insured checking and/or a traditional savings account option.

APSRC may authorize the collective investment of funds from the public school accounts with other investment funds administered by the Offeror to maximize returns. All activity related to the public school accounts, including calculation and posting of daily Net Asset Value (NAV), must be tracked, monitored, reported, and recorded separately at the individual account level in a timely and accurate manner.

Arkansas law mandates that investments are made with the judgment and care that persons of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital. The Offeror is responsible for selecting the asset allocations for the Program and selecting and replacing, as necessary, investment managers and/or underlying funds or other funds management options.

3.5 Administrative Services

Successful Offeror must provide Administrative Services including a) Administration, b) Recordkeeping, c) Customer Service, and d) Fund Accounting and Reporting for the Program. Successful Offeror shall perform the following Administrative Services, including but not limited to:

- Provide Customer Services including Call Center;
- Maintain separate accounts for each designated beneficiary;
- Provide daily NAVs;

- Process account maintenance transactions, including but not limited to, enrollments, contributions, distributions, change of beneficiary or participant, refunds, and calculation and recording of Program fees;
- Maintain contact information for participants and beneficiaries;
- Maintain account payment and distribution history;
- Generate and distribute annual statements and IRS forms;
- Provide online account access and account maintenance;
- Process transactions via ACH;
- Fulfill requests for Program literature and forms; and
- Provide any other reasonably-related Administrative Services as necessary to operate the Program.

Successful Offeror must have a formal privacy policy in place that adheres to the most stringent privacy policy standards in the industry including state and federal level standards that protect account information in a secure and confidential manner.

Successful Offeror shall maintain sufficient procedures and capabilities to ensure the timely and accurate backup and full recovery of all data and computers related to the Program.

3.6 Administration

Includes, but is not limited to, processing of enrollments, distributions, and contributions; development, printing, mailing, and maintenance of forms, brochures, and websites; processing changes of addresses; account cancellations or terminations; and any other reasonably-related Administrative Services.

Administration also includes the drafting of disclosures, plan descriptions, participation agreements, and Program forms, and assisting in designing and administering the Program to ensure continuing compliance with state and federal laws.

Successful Offeror must develop and implement a secure Program website that is ADA- and Section 508-compliant that provides detailed information about the Program and basic customer service functions including, but not limited to:

3.6.1 Provide information about the Program, including, but not limited to:

- Description of the Program
- Program forms and literature
- FAQs
- Investment options and performance

3.6.2 Ability to download or request documents, including, but not limited to:

- Forms
- Literature
- Contracts
- Account Statements

3.6.3 Process inquiries or requests for information;

3.6.4 Online account maintenance;

3.6.5 Allow account owners to access account information online with limited interruptions in service related to routine maintenance; and

3.6.6 Allow participants to request and monitor distributions.

3.7 Recordkeeping

Includes, but is not limited to, providing separate accounting for each public school.

APSRC places a high priority on providing outstanding Customer Service. Customer Service Representatives must meet the highest standards for integrity and service in providing assistance to Program participants.

Understanding that not all persons have ready access to the Internet, Successful Offeror must provide an interactive voice response (“IVR”) system and/or customer call center support during normal Central Time working hours of Monday-Friday, 8am to 6pm daily, except for holidays recognized by the New York Stock Exchange (“NYSE”). The IVR and customer call center support must provide comprehensive information about the Program to prospective and existing participants.

Generally, the customer call centers should provide all of the capabilities that are described above for Internet-based services. Offeror must demonstrate appropriate processes and resources to fulfill requests for information or enrollment that may be received through the customer call center. The customer call center should provide assistance including, but not limited to, fulfilling requests for Program information, providing responses to questions and needed assistance related to enrollment, account maintenance, cancellation, address changes, cancellation, and other account inquiries or needs.

Successful Offeror must develop and maintain a full-service, ADA- and Section 508-compliant website and provide a complete array of services through the Internet. Accordingly, the evaluation process will consider the extent of proposed services provided through Offeror’s website.

Successful Offeror shall provide Fund Accounting and Reporting including, but not limited to, fund accounting for the Program as a whole and providing periodic account statements to participants, no less than quarterly. The account statements will include account activity, including, but not limited to, account payment activity, investment earnings or losses, interest, account fees, distributions, and beginning and ending account balances. Successful Offeror may provide statements electronically with participant approval.

Reporting includes, but is not limited to, preparation and presentation of enrollment reports at least quarterly but more frequently as requested; updates to the APSRC; and submittal of annual audited financial statements for the Program, with such financial audit to be approved and paid for by the APSRC. Successful Offeror must submit reports to the Internal Revenue Service, Social Security Administration, and other state and federal agencies as required.

3.8 Outreach and Marketing

3.8.1 Outreach and Marketing Approach

The APSRC seeks a marketing approach that will promote awareness of and participation in the Program. APSRC prefers Successful Offeror with knowledge and experience in marketing investment products. Successful Offeror must provide a marketing plan that includes an annual commitment of funding to market the Program.

Successful Offeror must work cooperatively with the APSRC to formulate marketing plans and documents for the Program. A one-page front and back brochure promoting awareness of the Arkansas ABLE Program shall be developed and made available by Successful Offeror in English.

3.9 Proposal Questionnaire

- 3.9.1 Has your firm ever had a contract termination? If yes, what were the reasons?
- 3.9.2. Provide any relevant experience your firm has to manage this program.
- 3.9.2 Provide a history of your organization.

SECTION IV. PROPOSAL FORMAT

4.1 Transmittal Letter

The Offeror must include a brief transmittal letter prepared on the Offeror's business stationery to accompany the original of the two-volume proposal. The transmittal letter must be signed by an individual authorized to bind the Offeror to all statements, including services and prices, contained within the proposal.

4.2 Two-Volume Submission

The selection procedure for this procurement requires that the initial technical evaluation of the proposal be completed before consideration of an Offeror's price proposal. Consequently, each proposal must be submitted in two volumes as indicated below.

4.3 Volume I - Technical Proposal

The volume containing the technical proposal shall be labeled "Volume I – RFP for Public School Funds Investment Opportunity Program Manager, RFP # 01-2019"

The technical proposal should be prepared in a clear and concise manner. The ideal response would reiterate each subsection and then list the Offeror's response, item by item so that an evaluator can read the requirement followed by the response.

The technical proposal shall provide all required information in the following subsections:

4.3.1. Request for General Information

4.3.1.1 Name of Offeror;

4.3.1.2. Mailing address of office from which the proposal is being submitted;

4.3.1.3. Name of individual who will represent the Offeror as the primary contact person on matters relating to the proposal; and

4.3.1.4. Telephone number and e-mail address of the individual identified in item 4.3.1.3 above.

4.3.2. Offeror's Qualifications

4.3.2.1. Each Offeror shall specifically and clearly provide brief supporting statements how it meets the Mandatory Requirements in Section 3.2.

4.3.2.2. The Offeror shall include one and only one copy of the Offeror's most recent audited financial statements with all attachments, including the unqualified audit opinion, in the original volume of its Technical Proposal.

4.3.2.3. Each Offeror shall specifically and clearly provide acknowledgements to comply with the requirements described in Section 3.3 General Requirements.

4.3.3. Offeror's Capabilities

4.3.3.1. Each Offeror shall specifically and clearly provide acknowledgements to comply with the requirements described in Section 3.4 Minimum Service Requirements.

4.3.3.2. Each Offeror shall provide in its proposal detailed responses to the Questions in Sections 3.9

4.3.3.3. Each Offeror shall provide a detailed transition plan of the services as described in Section 3.8 Outreach & Marketing

4.3.3.4. Include a brief description of any other value added services as indicated in Section 3.9 Proposal Questionnaire

4.3.4. References

Identify a minimum of three current references that you provide services for similar to the services described in the RFP. References shall include the name of each organization, the mailing and street address, point of contact, and telephone number. Include a brief description of the services rendered for each referenced organization.

The APSRC may contact one or more of these references, in addition, may contact any other reference of their choosing.

The references should meet the following criteria:

- (a) Public funds customers of one (1) year or more.
- (b) Please provide the name, title, e-mail address and telephone number of reference contacts. If you cannot meet the criteria listed above, please explain why.

4.3.5. Standard Operating Agreements (if applicable)

If you intend to incorporate your own operating documents/agreements into the Contract, submit copies of your standard operating agreements associated with the services proposed to be provided.

4.3.6. Additional Information (Optional)

Include any additional information the Offeror deems relevant to this procurement and the satisfaction of the State's objectives.

4.4 Disclosures

Provide a written statement disclosing any relationships with persons or entities that may create a conflict of interest, or the appearance of a conflict of interest. Disclose specific details of any pending legal proceedings (criminal or civil), or regulatory or disciplinary actions by any state or federal regulatory agency, involving the firm or members of the firm; or any convictions, judgments or settlements resulting from such proceedings or actions within the past five years.

4.5 Volume II – Price Proposal

Offeror must submit the price proposal identified as Appendix A. For any additional fees not included on the Price Proposal, include a Price Supplement on a separate sheet with a detailed description of such additional fees, including the timing and circumstances under which each such additional fee is assessed.

Note: The Price Proposals are evaluated following the evaluation of the Technical Proposals. Therefore, no reference to price should be identified within the Technical Remainder of Page Intentionally Left Blank

SECTION V. EVALUATION AND SELECTION PROCEDURE

5.1 Qualifying Proposals

The APSRC first will review each proposal for completeness of response to requirements contained in Section IV, Proposal Format. Failure to respond to the appropriate questions or in the manner required may disqualify an Offeror's proposal.

5.2 Evaluation Committee and Evaluation Criteria

An Evaluation Committee appointed by the APSRC will evaluate all qualifying proposals (those proposals that are reasonably susceptible to selection for Contract award) received by the submission deadline. The Evaluation Committee will rank the proposals and make a recommendation for award based on (1) technical merit (see Section 5.3 below), as demonstrated in the technical proposal and (2) price proposal, both as presented in the best and final offer, if any. Technical merit will be given more weight than price in determining the Evaluation Committee's final ranking.

5.3 Technical Evaluation

After the APSRC identifies the qualifying proposals, the Evaluation Committee will conduct an initial evaluation of the technical merit of each qualifying proposal based on the information provided in the proposal in response to Section 4.3 Volume I - Technical Proposal above.

For the technical evaluation, the Evaluation Committee will take into consideration the following factors listed in the order of relative importance (greatest first):

1. Offeror's Qualifications and Capabilities (50.5 pts.)
2. Customer Service and Personnel (35 pts.)
3. References (14.5 pts.)

5.4 Evaluation of Costs/Fees

Following completion of the initial technical evaluation, the Evaluation Committee will conduct an initial evaluation of the pricing of each proposal and will establish a financial ranking of all proposals.

5.5 Final Evaluation and Recommendation for Award

Following oral presentations, reference checks, and submissions of best and final offers, if any, the Evaluation Committee will perform its final evaluations and will make a recommendation to the APSRC or Program Director for award of the Contract to the responsible Offeror or Offerors whose proposal is determined to be the most advantageous to the Schools based on the results of the final technical and financial evaluations. Contract award, if any, is subject to the approval of the APSRC.

5.6 Negotiations

The APSRC reserves the right to discuss and negotiate with qualified Offerors or potentially qualified Offerors, (i.e., which are reasonably susceptible of being selected for award). Discussions or negotiations will be conducted with any or all qualified Offerors. The APSRC, however, is not obligated to conduct any discussions or negotiations. Each Offeror should be aware that the APSRC can select a proposal without first discussing the matter with the selected Offeror. The APSRC reserves the right to negotiate with qualified Offerors regarding the terms of proposed scope of services and other contractual arrangements.

5.7 Proposed Contract

The successful Offeror must submit a proposed contractual agreement for review by the APSRC. The APSRC reserves the right to negotiate with the successful Offeror regarding the terms of the proposed agreement. The APSRC reserves the right to rescind its award to a successful Offeror if the parties cannot reach an agreement regarding this contractual agreement.

PRICE PROPOSAL INSTRUCTIONS FOR APPENDIX A

1. Offerors must submit the Price Proposal identified as Appendix A. The Price Proposal must be separately sealed as directed in Section 1.6.
2. Additional fees not included on the Price Proposal as Appendix A may be submitted on a Price Supplement as a separate sheet. All "Other" charges are to be indicated under this heading. Describe the charges and indicate frequency, such as: "monthly," "yearly," or "transactional."
3. An individual who is authorized to bind the Offeror to the fees must sign Appendix A and any Price Supplement. The selected Offeror may not charge any fees not included in its proposal.
4. It is imperative that the Price Proposal, Appendix A, is completed accurately, as well as any attached separate Price Supplement containing any additional fees.

APPENDIX A
PRICE PROPOSAL
REQUEST FOR PROPOSALS FOR
Public School Funds Investment Opportunity Program and Investment Manager
RFP # 01-2019

(Firm Name)

(Address)

Maintenance /Flat Fee (monthly): \$ _____

Security Transaction Fee \$ _____

Other Fees (monthly) \$ _____

In compliance with the RFP and with all terms and conditions set forth therein, the undersigned represents that he/she has full authority to submit the above Custody Services.

Authorized Official: _____

Typed Name:

Title:

APPENDIX B

(To be submitted by successful Offeror)

Contract AFFIDAVIT

A. Authority

I HEREBY AFFIRM THAT:

I (print name) _____ possess the legal authority to make this Affidavit.

B. AFFIRMATION REGARDING BRIBERY CONVICTIONS I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities including obtaining or performing contracts with public bodies has been convicted of, or has had probation before judgment imposed or has pleaded nolo contendere to a charge of, bribery, attempted bribery, or conspiracy to bribe in violation of Arkansas law, or of the law of any other state or federal law, except as follows (indicate the reasons why the affirmation cannot be given and list any conviction, plea, or imposition of probation before judgment with the date, court, official or administrative body, the sentence or disposition, the name(s) of person(s) involved, and their current positions and responsibilities with the business):

C. AFFIRMATION REGARDING OTHER CONVICTIONS I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities including obtaining or performing contracts with public bodies, has:

- (1) Been convicted under state or federal statute of:
 - (a) A criminal offense incident to obtaining, attempting to obtain, or performing a public or private contract; or
 - (b) Fraud, embezzlement, theft, forgery, falsification or destruction of records or receiving stolen property;
- (2) Been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. §1961 et seq., or the Mail Fraud Act, 18 U.S.C. §1341 et seq., for acts in connection with the submission of bids or proposals for a public or private contract;
- (3) Been found civilly liable under a state or federal antitrust statute for acts or omissions in connection with the submission of bids or proposals for a public or private contract;
- (4) Admitted in writing or under oath, during the course of an official investigation or other proceedings, acts or omissions that would constitute grounds for conviction or liability under any law or statute described in §§ B and C above, except as follows (indicate reasons why the affirmations cannot be given, and list any conviction, plea, or imposition of probation before judgment with the date, court,

official or administrative body, the sentence or disposition, the name(s) of the person(s) involved and their current positions and responsibilities with the business, and the status of any debarment):

(5) Been convicted of conspiracy to commit any act or omission that would constitute grounds for conviction or liability under any law or statute described in subsections (1)–(4) above.

D. AFFIRMATION REGARDING DEBARMENT

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business, or any of its officers, directors, partners, controlling stockholders, or any of its employees directly involved in the business's contracting activities, including obtaining or performing contracts with public bodies, has ever been suspended or debarred (including being issued a limited denial of participation) by any public entity, except as follows (list each debarment or suspension providing the dates of the suspension or debarment, the name of the public entity and the status of the proceedings, the name(s) of the person(s) involved and their current positions and responsibilities with the business, the grounds of the debarment or suspension, and the details of each person's involvement in any activity that formed the grounds of the debarment or suspension).

E. AFFIRMATION REGARDING COLLUSION

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the above business has:

(1) Agreed, conspired, connived, or colluded to produce a deceptive show of competition in the compilation of the accompanying bid or offer that is being submitted;

(2) In any manner, directly or indirectly, entered into any agreement of any kind to fix the bid price or price proposal of the bidder or offeror or of any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the accompanying bid or offer is submitted.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Date: _____

By: _____ (print name of Authorized Representative and Affiant)

_____ (signature of Authorized Representative and Affiant)