



Contract Number

14-954A5

SAP Number

Human Resources Department

Department Contract Representative	<u>Amy Coughlin</u>
Telephone Number	<u>(909) 387-5787</u>
Contractor	<u>Voya Retirement Insurance and Annuity Company</u>
Contractor Representative	<u>Gavin T. Gruenberg</u>
Telephone Number	<u>(909) 798-3250</u>
Contract Term	<u>01/09/15 – 12/31/2021</u>
Original Contract Amount	<u>N/A</u>
Amendment Amount	<u>N/A</u>
Total Contract Amount	<u>N/A</u>
Cost Center	<u>7203002710, 7200008844, 7200008845</u>

Amendment No. 5 to Agreement between San Bernardino County and Voya Retirement Insurance and Annuity Company for the period of January 9, 2015 through December 31, 2021.

This agreement includes amendments to the following plan sub-agreements:

- a. Administrative Services Agreement between San Bernardino County and Voya Retirement Insurance and Annuity Company and Voya Financial Partners, LLC, for the San Bernardino County Defined Contribution Plans.
- b. Administrative Services Agreement between San Bernardino County and Voya Retirement Insurance and Annuity Company for the San Bernardino County Retirement Medical Trust Plan.

This Agreement, Attachments, and/or Amendments listed herein contain the final, complete and exclusive Agreement between the parties hereto.



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Total Contract Amount	<u>N/A</u>
Cost Center	<u>7200008844, 7200008845</u>

IT IS HEREBY AGREED AS FOLLOWS:

AMENDMENT NO. 5 TO THE ADMINISTRATIVE SERVICES AGREEMENT FOR THE SAN BERNARDINO COUNTY RETIREMENT MEDICAL TRUST PLAN (PLAN #'s HRA001, HRA007), CONTRACT NO. 14-954

WITNESSETH:

WHEREAS, San Bernardino County (County) and Voya Retirement Insurance and Annuity Company (VRIAC), and Voya Financial Partners, LLC, (collectively referred to as, the "Parties") entered into an Administrative Services Agreement (ASA) effective as of January 9, 2015 for VRIAC to provide certain administrative services to the County's Retirement Medical Trust Plan; and

WHEREAS, the ASA may be amended at any time by the Parties' mutual written agreement; and

WHEREAS, the original term of the ASA commenced on January 9, 2015 and will expire on December 31, 2021; and

WHEREAS, County and VRIAC desire to lower Contractor's Recordkeeping Fee for the remainder of the Contract from 0.095% or 9.5 basis points to 0.036% or 3.6 basis points;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

- 1) Effective July 1, 2021, Schedule A is amended to read in its entirety as follows:

Dollar Fees for Claims Administration:

<u>Participant Status</u>	<u>Monthly Fee</u>
Non-Claims Active	\$0.40
Claims Active	\$2.00

Asset-Based Fee:

Recordkeeping Fees: Effective July 1, 2021, Contractor's recordkeeping fees for providing the services described herein is 0.036% or 3.6 basis points (Recordkeeping Fees).

Administrative Fees: Effective July 1, 2020, Contractor shall reimburse the County \$126,250 per quarter for reasonable and necessary administrative expenses. This is the total amount to be paid to the County without regard to the number of plans covered by this Agreement. The fee will be divided pro-rata across all plans quarterly based on total plan assets. The fee amount determined per plan will then be pro-rated and collected from participant accounts based on account balance, pro-rata across all investment options with a balance.

The Asset Based Fee will be assessed quarterly based on prior quarter-end assets and deducted from participant accounts pro-rata based on account balance. The fee is deducted pro-rata across all investment options with a balance in the participant's account.

Reimbursement of Mutual Fund Revenue

On a quarterly basis, the Contractor will calculate any revenue generated by the Plan's investment options and attributable to the Plan ("Revenue Sharing"). The Plan Sponsor hereby directs the Contractor to allocate the applicable Revenue Sharing to each participant on a quarterly basis, pro-rata based on each participant's account balance. This allocation of Revenue Sharing assumes that the Plan's investment menu does not contain any investment options that prohibit this type of arrangement. In addition, if this process is called into question, subject to scrutiny, or deemed to be in violation of applicable law or regulation, the Contractor reserves the right to discontinue this arrangement. In the event of discontinuation, the Contractor shall remit the Revenue Sharing amount back to the Plan on an omnibus basis.

- 2) This Amendment may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Amendment. The parties shall be entitled to sign and transmit an electronic signature of this Amendment (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Amendment upon request.
- 3) All other terms and conditions of the Administrative Services Agreement for the County of San Bernardino Retirement Medical Trust Plan remain unchanged.

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IN WITNESS WHEREOF, the Board of Supervisors of the County of San Bernardino and the Contractor have each caused this Amendment to be subscribed by its respective duly authorized officers, on its behalf.

SAN BERNARDINO COUNTY

Voya Retirement Insurance and Annuity Company

(Print or type name of corporation, company, contractor, etc.)

▶
Curt Hagman, Chairman, Board of Supervisors

By ▶ Gavin Gruenberg
(Authorized signature - sign in blue ink)

Dated: _____
SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

Name Gavin T. Gruenberg
(Print or type name of person signing contract)

Lynna Monell
Clerk of the Board of Supervisors
San Bernardino County

Title Sr. Vice President, Institutional Clients
(Print or Type)

By _____
Deputy

Dated: 7/29/21

Address 1030 Nevada Street, Suite 203
Redlands, CA 92374

FOR COUNTY USE ONLY

Approved as to Legal Form

▶ Jolena E. Grider
Jolena E. Grider, Deputy County Counsel

Reviewed for Contract Compliance

▶ Gina King
Gina King, Deputy Director of Human Resources

Reviewed/Approved by Department

▶ Diane Randles
Diane Randles, Director of Human Resources

Date 7/29/21

Date 7/29/21

Date 7/29/21