

403(b) Vendor Compliance Questionnaire

The final 403(b) regulations were issued on July 24, 2007. Generally, the regulations take effect on January 1, 2009. However, there are certain provisions under the regulations, specifically the rules pertaining to transfers made after September 24, 2007, which require immediate attention. In an effort to both address immediate concerns pertaining to transfers and to help facilitate compliance with the final regulations by January 1, 2009, _____ (“Employer”) is reviewing its 403(b) program. This questionnaire is being sent to all vendors in Employer’s 403(b) program. If multiple contracts or accounts are offered, a single questionnaire may be completed for all contracts for which the answers are identical, otherwise separate questionnaires should be completed and appropriately identified. Please respond to the questions below and return the questionnaire no later than _____.

1. Does every 403(b) contract or account your organization would offer under the plan contain the required provisions governing deferral and contribution limitations, distribution restrictions and requirements, nontransferability rules, and direct rollover requirements? Yes No

Comments _____

2. Is your 403(b) contract or account available to any employee who is otherwise eligible to participate? For example: if the contract or account imposes a minimum annual contribution, is that minimum less than or equal to \$200? Yes No

Comments _____

3. Are contribution limits monitored by your organization on a periodic basis (including at least upon initial contribution, nonautomatic changes, and upon request) for each employee who participates in your 403(b) contract or account, and does such monitoring include catch-ups for employees with at least 15 years of service with the Employer, and catch-ups for individuals age 50 and older? Yes No

Comments _____

4. If you learn that contributions are made in excess of contribution limits, will your organization correct the excess in accordance with the requirements of the regulations and notify the employee and Employer as appropriate? Yes No

Comments _____

5. Are after-tax Roth contributions permitted under your 403(b) contract or account, are they separately accounted for and, combined with pretax deferrals, monitored for compliance with deferral limitations? Yes No

Comments _____

6. Does your contract permit transfers from other 403(b) plans and/or contracts and rollovers to or from other plan types [i.e. governmental 457(b), 401(k), etc.], and if so are incoming rollovers separately accounted for to the extent required by the Code or for the plan? Yes No

Comments _____

7. Are loans permitted under an employee's 403(b) account? Yes No

Comments _____

8. If loans are permitted, are they subject to applicable Code limitations including: (a) limitation of the amounts of the loan consistent with the 50%/\$50,000 limitations; (b) tax reported as a deemed distribution upon default consistent with applicable tax regulations; and (c) limited to repayment by payroll deduction if a participant maintains a defaulted loan balance? Yes No

Comments _____

9. Generally, assets contributed to your 403(b) program may not be distributed to an employee absent a distributable event such as death, disability, separation from service, attainment of age 59½, or hardship (if the contract permits) or plan termination (beginning the earlier of the date the Employer adopts the Regulations or January 1, 2009). Will your organization monitor the distributions from contracts and/or accounts under the 403(b) program consistent with those restrictions, including (a) confirming an employee's severance of employment with the Employer, (b) obtaining sufficient documentation regarding hardship distributions as may be required under applicable regulations, and (c) coordinating with the Employer and/or other providers, as agreed between the Employer and providers, information necessary to comply with these requirements at the plan level? Yes No

Comments _____

10. In accordance with Section 401(a)(9) of the Internal Revenue Code, are participants required to take distributions beginning with the later of (i) the April 1st of the calendar year following the calendar year in which an employee attains the age of 70½, or (ii) the April 1st of the calendar year following the calendar year in which the employee terminates employment, unless the employee is taking the required distributions from another qualifying 403(b) account? Are participants notified of these requirements upon reaching age 70½ and each year thereafter if applicable? Yes No

Comments _____

11. Does your contract permit distributions required by Domestic Relations Order? Yes No

Comments _____

12. Will your organization agree to enter into the attached Provider Agreement, and as referenced in that Agreement, provide reasonable support to the Employer in the event of an IRS audit of the 403(b) plan? Yes No

Comments _____

13. Does your recordkeeping system include functions which can assist with compliance among multiple vendors [i.e., for purposes of monitoring contribution limits, loans (if applicable), and hardship withdrawals (if applicable)]? Yes No

Comments _____

14. Is your organization willing to share information at the plan sponsor level to facilitate compliance with Section 403(b) of the Code and the regulations thereunder in a general file format? Yes No

Comments _____

15. Is your organization willing to share information at the plan sponsor level pertaining to both active and inactive vendor data necessary to facilitate compliance with Section 403(b) of the Code and the regulations thereunder? Yes No

Comments _____

16. If your contract permits hardship withdrawals (please see question 9), is your program capable of reviewing and making determinations on hardship distributions, and making available information on such withdrawals to the Employer or another party? Yes No

Comments _____

17. If your contract permits hardship withdrawals (please see question 9), does your system facilitate cessation of deferrals for a period of six months for any employee who received a hardship distribution? Yes No

Comments _____

18. If your contract permits hardship withdrawals (please see question 9), does your system assist the sponsor by facilitating recommencement of deferrals for any participant who received a hardship distribution upon the satisfaction of the six-month suspension period? Yes No

Comments _____

19. Are your organization's participant records maintained at the employer group level? Yes No

Comments _____

20. Is your organization able to provide plan-level reports to the plan sponsor online, including information regarding loans, hardship withdrawals and other withdrawals? Yes No

Comments _____

21. Does your organization have a policy in place to protect the confidentiality of any information that is shared by your organization with the plan sponsor and/or the plan sponsor's assignees or designees? Yes No

Comments _____

22. Can your organization provide remittance data in a general file format via FTP or remote Web site download and fund the remittance file via Federal funds wire or credit ACH? Yes No

Comments _____

Vendor Identification: _____

Name of Organization: _____

Address: _____

Type of organization (i.e., insurance company, third-party administrator, brokerage, agency, etc.): _____

List each product to which the certification applies, by product name: _____

Customer Service Phone Number for Employee Account Information
(Please provide toll-free number to the corporate office, if available) : _____

The undersigned officer of the organization referenced above hereby certifies that information provided is correct and complete to the best of his or her knowledge and belief upon reasonable inquiry and review. The undersigned also agrees to cooperate with the Employer in the coordinating of plan compliance across multiple providers.

Name (please print)

Signature

Date Completed

Telephone (____) _____

Fax (____) _____

E-mail Address