William E. Robinson

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Bill Robinson, of counsel in the Chattanooga office, concentrates his practice in ERISA and Employee Benefits. He has extensive experience in the areas of pension and welfare benefits. He also provides advice on benefit plans in connection with mergers and acquisitions. Mr. Robinson has represented multi-employer pension and welfare plans and advises corporate clients on multi-employer plan issues. He advises business clients on ESOP matters. Mr. Robinson also represents governmental entities in connection with retirement plan matters. He represents many employers with respect to non-qualified deferred compensation and other areas of executive compensation, and works with the labor and employment and litigation attorneys in support of employee benefits litigation.

Publications & Speaking Engagements

- Co-author – "Defective Retirement Plans," *Employee Benefit Plan Review* (January 2012)
- "Surviving and Succeeding in the World of Health Care Reform," 2011 Tennessee SHRM Conference and Exposition, Society for Human Resource Management, Chattanooga, TN (September 21, 2011)
- "Sponsoring Your 401(k): Things You Have to Do and Things You Shouldn't Do," Brentwood, TN (October 14, 2011) and Chattanooga, TN (September 14, 2011)
- "The Impact of Health Care Reform on Employers," Habif, Arogeti & Wynn, LLP, Certified Public Accountants and Business Advisors, Atlanta, GA (November 2, 2010)
- "Common Mistakes Made by 401(k) Plan Sponsors and Administrators," Tax and Estate Planning Seminar, Baker Donelson office, Jackson, MS (November 12, 2009)
- Co-author – "Know Your Risk Tolerance Before Self-Insuring," Society for Human Resource Management's *Legal Report* (September-October 2009)
- "Overview of 403(b) Plans," Chattanooga Tax Practitioners (November 11, 2008)
- Testified at working group hearing of the Department of Labor ERISA Advisory Council, 2003

Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Listed in *The Best Lawyers in America®* in Employee Benefits Law since 2007
- Named 2012 Employee Benefits (ERISA) Lawyer of the Year in Chattanooga by *The Best Lawyers in America®*

- Chattanooga, Tennessee and American Bar Associations
- National Association of Public Pension Attorneys
- Chattanooga Estate Planning Council
- Chattanooga Tax Practitioners
- Former President, Board of Directors – Chattanooga-Hamilton County Bicentennial Public Library
- Chairman, Board of Directors – WTCI-Public Television
- Former Chairman – Endowment Committee, Grace Episcopal Church
- Former President – Chattanooga Arts and Education Council

Admissions

- Tennessee, 1980
- U.S. Tax Court, 1986
- U.S. District Court, E.D. Tennessee, 2004

Education

- University of Tennessee, J.D., 1980
- University of Tennessee at Chattanooga, B.A., 1977

Courtenay Shipley, AIF, CRPS

Courtenay Shipley is a retirement plan consultant and advisor with a passion for assisting business owners in their pursuit of attracting and retaining quality employees, and for helping employees have the luxury of deciding how they spend their time later in life.

Courtenay entered the retirement plan industry in 2001 and has gathered rich experience as a broker, consultant, education advisor, and third-party administrator. Seeing a void in the marketplace for unbiased and fee-only plan consulting, Courtenay founded Shipley Capital Advisory solely to advise businesses and individuals on best-fit retirement plan solutions that are administratively efficient, cost effective, and mindful of fiduciary responsibility.

Since SCA is an independent, fee-only, boutique firm, they consult on any vendor and recommend any solution without strings attached. Their independence allows them the flexibility to offer uniquely tailored consulting services for each of their clients.

Courtenay holds the Accredited Investment Fiduciary and Chartered Retirement Plan Specialist designations, as well as the Series 6, 7, 66, and life & health, property & casualty insurance licenses.

In her spare time, Courtenay is a member of the National Association of Women Business Owners, Society for Human Resource Management, the Young Executives of the Nashville City Club and Washington DC City Club, is past treasurer for the middle TN chapter of Women in Insurance and Financial Services, and is the Director of Volunteers for the Institute for the Fiduciary Standard in Washington, DC. She also enjoys musical endeavors and volunteering at Woodmont Christian Church.

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Jason E. Underwood, CPA

JASON UNDERWOOD CPA, PLLC

YOUR ERISA CERTIFIED PUBLIC ACCOUNTING FIRM

Jason E. Underwood, CPA has more than 14 years of experience providing retirement plan audit, tax and consulting services to clients in practically all industries including manufacturers, service providers, financial institutions, health care, professional sports and more.

Jason is the CEO of Jason Underwood CPA, PLLC (ERISA CPA), a boutique accounting firm uniquely qualified to provide independent audits of retirement plans, Form 5500 tax services and plan consulting.

Prior to starting ERISA CPA, Jason was the ERISA plan audit services practice leader for a top 100 regional CPA firm.

Jason serves on the Tennessee Society of CPAs Annual Employee Benefit Plan Conference Committee, regularly attends American Institute of CPAs Annual Employee Benefit Plan Conference and his firm is a voluntary member of the American Institute of CPAs Employee Benefit Plan Audit Quality Center.

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

FULL DISCLOSURE ON THE NEW FEE DISCLOSURES

ERISA SEMINAR SERIES

Bill Robinson
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

June 13, 2012

EXPAND YOUR EXPECTATIONS℠

- According to a recent survey conducted by AARP, 71% of 401(k) plan participants think they pay no fees for their retirement accounts.

- This misconception is about to change, as a result of two sets of related rules:
  - One is intended to require certain service providers to disclose to plan fiduciaries information related to fees they receive;
  - The second is to require plan fiduciaries to disclose to plan participants information related to the costs associated with participating in their retirement plan.

1. Disclosures by Service Providers to Plan Fiduciaries

- Retirement plans which are subject to the Employee Retirement Income Security Act of 1974, as amended ("ERISA") are generally prohibited from contracting for plan services unless the contract is for necessary services at a reasonable cost.
- Contracts for services at more than reasonable cost would be a "prohibited transaction", exposing the parties involved to penalties and personal liability for resulting plan losses.
- It is the responsibility of the plan fiduciaries to determine that these requirements are satisfied.

Disclosures by Service Providers to Plan Fiduciaries

- The Department of Labor ("DOL") issued final regulations on February 2, 2012 under ERISA Section 408(b)(2), describing the cost disclosures which are required to avoid "unreasonable" or "prohibited" service arrangements.
- The new regulations generally apply to any plan which is subject to ERISA, with limited exceptions

Disclosures by Service Providers to Plan Fiduciaries

1.A. Covered Service Providers

- Only a service provider that contracts directly with the covered plan, termed a "covered service provider" ("CSP"), will have an obligation to disclose information to a "responsible plan fiduciary" (the plan fiduciary with the authority to contract for services).
- Only arrangements where more than $1,000 in compensation is reasonably expected to be received by the CSP, and/or by an affiliate or subcontractor of the CSP, over the term of the contract, are covered.

Disclosures by Service Providers to Plan Fiduciaries

1.A. Covered Service Providers (continued...)

- CSPs include any party providing (i) fiduciary services, (ii) registered investment adviser services, (iii) recordkeeping or securities/brokerage services for an account balance plan which allows participant-directed investments, or (iv) a myriad of ancillary services, such as custodial, investment policy, monitoring, investment advisory, recordkeeping, administration or valuation services - when the service provider, or its affiliate or subcontractor, reasonably expects to receive any indirect compensation.

Disclosures by Service Providers to Plan Fiduciaries

1.B. Timing of Disclosures to Responsible Plan Fiduciaries

- The initial deadline for complying with the regulation is July 1, 2012. Thereafter, disclosure of compensation from the CSP to the responsible plan fiduciary must generally be made before the effective date of a plan service contract, or before any renewal or extension of an existing contract.
- Disclosures regarding investment options in participant-directed investment arrangements are required before the investment is added as an option.

Disclosures by Service Providers to Plan Fiduciaries

1.B. Timing of Disclosures to Responsible Plan Fiduciaries (continued...)

- Ongoing disclosures of changes to investment-related information are required to be made as soon as is practicable in some cases, and annually in other cases.

Disclosures by Service Providers to Plan Fiduciaries

1.C. Information That Must be Disclosed by Covered Service Providers (continued...)

- In the case of fiduciaries to funds in which a plan invests, or record keepers who make investment options available to participants, information regarding the costs associated with the investments must be disclosed, such as sales loads and other costs or fees.

Disclosures by Service Providers to Plan Fiduciaries

1.C. Information That Must be Disclosed by Covered Service Providers (continued...)

- The services that will be provided for the plan must be described in writing to the responsible plan fiduciary, in enough detail to allow that fiduciary to make an informed decision about the necessity of the services and the overall compensation to be received for those services.

Disclosures by Service Providers to Plan Fiduciaries

1.D. Indirect Compensation

- If a CSP receives any indirect compensation, concerns could arise about the CSP's possible bias or conflicts of interest because of circumstances which give rise to that other compensation.
- Thus, for indirect compensation, disclosure of the arrangement between the CSP and the source of the indirect compensation is required.
- Indirect compensation includes anything of value that is even remotely related to the plan service arrangement, whether or not it is for services provided to the plan.

Disclosures by Service Providers to Plan Fiduciaries

1.E. Providing Estimates to Plan Fiduciaries

- A CSP may provide estimates of fees where the fees themselves are not ascertainable at the time the disclosure is required, provided the method and assumptions used to prepare the estimate are also explained.

Disclosures by Service Providers to Plan Fiduciaries

1.F. Providing Summaries to Plan Fiduciaries

- DOL does not require a summary or guide to assist fiduciaries who receive the required information, but encourages CSPs to provide a summary and, in fact, included a format for such a summary as an appendix to the final regulation.
- The DOL is considering whether to require a summary beginning at some later date.

Disclosures by Service Providers to Plan Fiduciaries

2. Disclosures by Plan Fiduciaries to Plan Participants

- The second set of rules, under ERISA Section 404(a)(5), relates to disclosures by plan fiduciaries to plan participants in account balance plans which allow participant-directed investments.
- IRAs, individual retirement annuities, SEP plans or simple retirement accounts are not covered by the rules.

Disclosures by Service Providers to Plan Fiduciaries

2.A. Timing of Disclosures to Plan Participants

- Information must be provided to participants and beneficiaries by the date upon which they can first direct investments, and at least annually thereafter.
- For calendar year plans, the initial *annual* disclosure must be furnished to participants no later than August 30, 2012, which is 60 days after the July 1st effective date for disclosures by the CSPs to the plans.

Disclosures by Service Providers to Plan Fiduciaries

2.A. Timing of Disclosures to Plan Participants (continued...)

- Changes in the required annual information generally must be disclosed at least 30 and not more than 90 days before the effective date of the change, unless due to unforeseeable or circumstances beyond the control of the plan administrator, in which case the revised information must be provided as soon as is reasonably practicable.

Disclosures by Service Providers to Plan Fiduciaries

2.A. Timing of Disclosures to Plan Participants (continued...)

- The first *quarterly* statement to participants at an account level, indicating how much of those costs are actually being periodically allocated to each participant's account, must be furnished no later than November 14, 2012.
- There must be an explanation, where applicable, that some of the prior quarter's administration expenses were paid from the operating expenses of one or more of the offered investments.

Disclosures by Service Providers to Plan Fiduciaries

2.B. Disclosures That Must be Made to Plan Participants

- The annual statements will provide the latest available general operational, identification, and expense information.
- For administration expenses, there must be an explanation of how those costs will be allocated to individual accounts.
- Required identification data will include the investment alternatives which are offered, information on any investment managers, and information about "brokerage windows" or self-directed brokerage or similar accounts.
- Also by the date a participant is permitted to direct investments, there must be provided an explanation of any personalized fees or expenses that may be charged against the participant's account on an individual basis, such as for processing loans, distributions, domestic relations orders, etc.

Disclosures by Service Providers to Plan Fiduciaries

3. Heightened Awareness by Participants

- The new fee disclosure requirements should result in heightened participant awareness of plan costs.
- Once participants understand that they are actually paying costs associated with their retirement accounts, or have a better understanding of the levels of cost charged to their account and the reasons for those costs, plan administrators and fiduciaries should be aware they will be the recipients of more questions and complaints.
- Some participants may ask for older historical information and may take the position that their plan's fiduciaries should have done more, and earlier, to lower the plan's costs.

Disclosures by Service Providers to Plan Fiduciaries

3. Heightened Awareness by Participants

- Consider instituting better communications to help participants understand both the needs for services and their inherent costs and that "cheapest is not always best".

Full Disclosure on Fee Disclosures

Courtenay Shipley, AIF, CRPS
Shipley Capital Advisory

Agenda

- Quick background
- Dissecting plan fees
- Cost components
- Tussey v ABB
- What to do next

The Why?

- ERISA (Employee Retirement Income Security Act) says plan sponsors must…
  - Act prudently & solely in the best interest of participants and beneficiaries
  - Ensure services are necessary and pay "<u>reasonable</u>" fees for them
    - Section 408(b)(2) outlines *reasonable* service relationships

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The Why?

- Service providers can provide services to a plan if:
  - Services are *necessary* for the establishment or operation of the plan
  - Compensation is *reasonable* for the services provided
  - The arrangement or contract is *reasonable*

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The Why?

- But…it's complicated.
  - DOL: let's make it easier by requiring disclosures about who's getting paid to do what and how much
  - More information = better decisions

The Who?

Two components affect your fiduciary duties and compliance responsibilities to your plan and participants:

1	**Service provider disclosure regulations (for you)** **408(b)(2)** **Applicability date: 7/1/2012**
2	**Participant disclosure regulations (for your employees)** **404(a)** **Applicability date: 8/30/2012 for calendar year plans**

Retirement Plan Costs

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Cost Components 101

Investment Management Fees	Plan Administration and Recordkeeping Expenses	Plan Start-up or Conversion Costs	Investment Consulting/Plan Advice Expenses
Mutual Funds Collective Trust Funds Annuities (GWB) Separately Managed Accounts	Processing Recordkeeping Participant Education, VRU, website Trustee/Custodial Services Compliance Testing Plan Documents and Amendments Distributions & Contribution Administration	Initial Plan Design Education and Enrollment Installation Plan Document/Filing Changes in Plan Services	Benchmarking, vendor search Due Diligence, Hiring, Retaining, Monitoring of Funds & Investment Managers Investment Policy Statement Preparation Fund & Investment Manager Fee Negotiation Education Strategy

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Cost Components 101

- Other Fees (legal and accounting)
  - Plan Audit Fees
  - Attorney/legal fees
  - Union Negotiations
  - Penalties
  - Plan design studies

How Fees Are Calculated

Fee Type	Charges Based On:	Examples
Asset-based	Amount of plan assets, in % or basis points (1bps = .01%)	Investment expense, contract/annuity fee
Per-person	# of participants in the plan or # eligible	Administration, processing
Transaction-based	Execution of a service or transaction	Loan fee, plan amendment
Flat rate	Fixed charge	Annual audit fee

Follow the money

- "Direct" fees: bill, stated, direct from plan
- "Indirect" fees: from other sources
  - Built-in, hidden, revenue sharing agreements, "your plan is free," etc.
  - Revenue Sharing: a portion of investment fees are used to subsidize the cost of plan administration.

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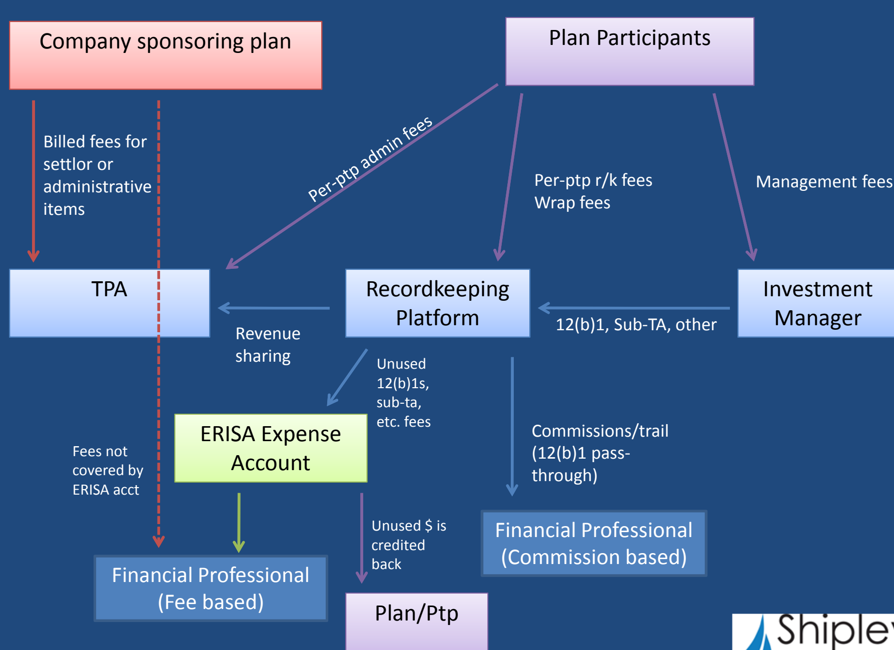
Fee Flow in a Retirement Plan (Unbundled)



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Sample expense breakdown (Mutual fund)

Small Cap ABC Fund Fee Analysis		
Management Fee	0.80%	0.60% retained by Small Cap ABC investment manager 0.20% paid to recordkeeper (shareholder servicing)
Distribution (12-b1) Fees	0.25%	Paid to dealer of record for sales and marketing support by a commission-based financial advisor
Other Fees	0.35%	$5 per ptp paid to recordkeeper (Sub-T/A fees) Remainder retained by Small Cap ABC Fund
Total Operating Expenses	**1.40%**	

What that means to the plan:

Management Fee (0.80%)		**Distribution/12-b1 Fee (0.25%)**	**Other Fees (0.35%)**	
$700,000 x .0080 = $5600		$700,000 x .0025 = $1750	$700,000 x .0035 = $2450	
Retained: .60% inv. mgr	To R/K: .20% Rev Share	To dealer of record (to pay broker)	$5/ptp to R/K: Sub T/A	Retained
$4200	$1400	$1750	$750	$1700
Total paid in ABC Small Cap Fees by Participants = $9800 (1.40% of $700,000)				

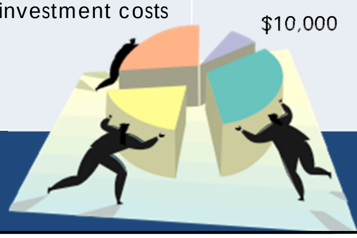
Hypothetically, if the plan costs $10,000 in recordkeeping and administration, so far we have $1,400 + $750 = $2,150 to apply to that amount.

…we still need $7,850!

How It Impacts the Participant

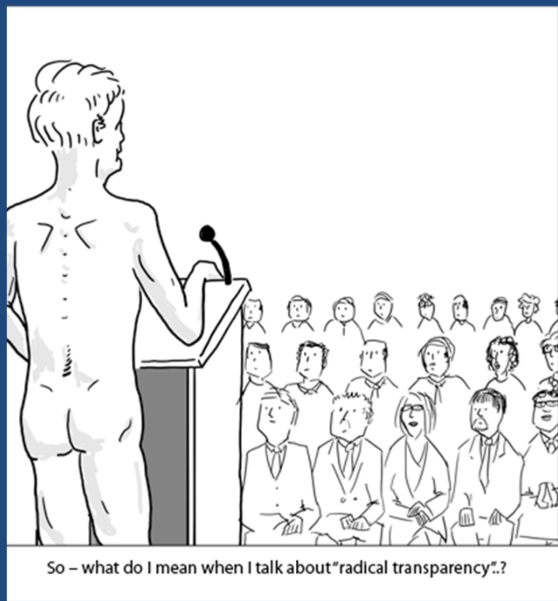
Plan Cost: $37,500

Objective	Share class	Participants pay thru mutual fund revenue sharing	Plan Sponsor Pays
Plan revenue pays for all expenses, with no out of pocket fees for the plan sponsor or participants	Predominantly A share class funds with revenue sharing	$42,170	$0
Provide the lowest investment cost option with sponsor paying hard-dollar expenses not absorbed by plan revenue	Predominantly I share class funds with low investment costs	$10,000	$27,500



Quick Review:

- DOL's Purpose: to help plan sponsors make better decisions and provide info to meet ERISA's "reasonable" fee mandate
- Plans aren't free. Fees are paid directly or indirectly. Providers might share fees.
- Typically participants bear costs unless the plan sponsor makes up the difference.
- You're about to receive more info that should help you decipher your plan's total cost: a starting point for "reasonable"



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Real Life: Tussey v ABB, Inc

Overview

- 3/31/12: 81-page discussion of how a retirement committee should conduct its fiduciary business
- Involved 2 401(k) profit sharing plans of ABB, Inc., \$1.4+ billion in assets and approx 17,000 participants
- Fiduciary retirement committee of ABB selected the investment funds and administrative platform (Fidelity)
- Bundled: Fidelity was TPA, recordkeeper, and provided investments
- Collected revenue sharing from the mutual funds, including 12b-1 fees, and some per-participant fees

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Real Life: Tussey v ABB, Inc

What went wrong

- No comparison of expense ratios or revenue sharing, other than to ensure no bill to ABB
- IPS did more harm than good: removal procedures, low cost
- No independent investment advisor; looked to Fidelity for information (Fidelity looked out for their own interests, not the participants)
- Fidelity retained all revenue sharing. The committee didn't know how much or that the plan was paying above the market for services.

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Result

- *Committee Members Personally Liable*: $35 million of the damages awarded to the plaintiffs is the personal liability of the members of the committee.
- Fidelity Trust was also found liable as a fiduciary for retaining $1.7 million in "float" interest that it retained

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Strategy

- July 1 Plan Sponsor Information
  - Potential Issues:
    - Completeness
    - Format
    - Context
  - Is cheaper better?
    - Not necessarily

Strategy

- Plan Sponsor information:
  - Put the information in context
    - Map it out
    - Ask questions, check the numbers
    - Which services are attached to what?
  - Consider asking for a fee review
  - Consider benchmarking your plan
    - Informally – second opinion
    - Formally – 3rd party service, like plans, like industry
  - Build your fiduciary file

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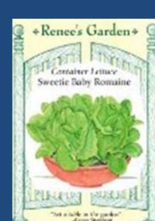
Benchmarking…

What are you comparing?

- Item 1 is 3x Item 2 in <u>quantity</u>
- Item 1 is half the <u>price</u> of Item 2
- Item 1 requires 3x as much <u>time</u> as Item 2
- Item 3 is 500xs as much in quantity, half the price of Item 1, 50xs as much in time



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Strategy

- Participant Information
  - Potential Issues:
    - Completeness
    - Format – confusing?
    - Context – morale

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Strategy

- Participant Strategy
  - Help from recordkeeper
  - Incorporate into education
  - Use 3rd party pieces/people
    - You don't have to take our word for it…
  - Put it in context for them:
    - Timeliness, accuracy, statements, website, people, etc
- Documentation for your files!

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Final Review

- New fee disclosures are on the way!
- Understand your service providers' compensation and services, and identify potential conflicts of interest
- Deadlines:
  - 7/1/12 Plan sponsor disclosures
  - 8/30/12 Participant disclosures (calendar year plans)
- Use resources provided today!

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Questions?

Questions?

Questions?

Disclosures

While this communication may be used to promote or market a transaction or an idea that is discussed in the publication, it is intended to provide general information about the subject matter covered and is provided with the understanding that Shipley Capital Advisory is not rendering legal, accounting, or tax advice. It is not a marketed opinion and may not be used to avoid penalties under the Internal Revenue Code. You should consult with appropriate counsel or other advisors on all matters pertaining to legal, tax, or accounting obligations and requirements.

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PLAN COST COMPONENTS

INVESTMENT MANAGEMENT FEES	PLAN ADMINISTRATION AND RECORDKEEPING EXPENSES	PLAN START-UP OR CONVERSION COSTS	INVESTMENT CONSULTING / PLAN ADVICE EXPENSES
• Mutual Funds • Collective Trust Funds • Annuities • Separately Managed Accounts	• Processing Recordkeeping • Participant Education, VRU, website • Trustee/Custodial Services • Compliance Testing • Plan Documents and Amendments • Distributions & Contribution Administration	• Initial Plan Design • Education and Enrollment • Installation • Plan Document/Filing • Changes in Plan Services	• Benchmarking, vendor search • Due Diligence, Hiring, Retaining, Monitoring of Funds & Investment Managers • Investment Policy Statement Preparation • Fund & Investment Manager Fee Negotiation • Education Strategy

OTHER FEES (LEGAL AND ACCOUNTING)

- Plan Audit Fees
- Attorney/legal fees
- Union Negotiations
- Penalties
- Plan design studies

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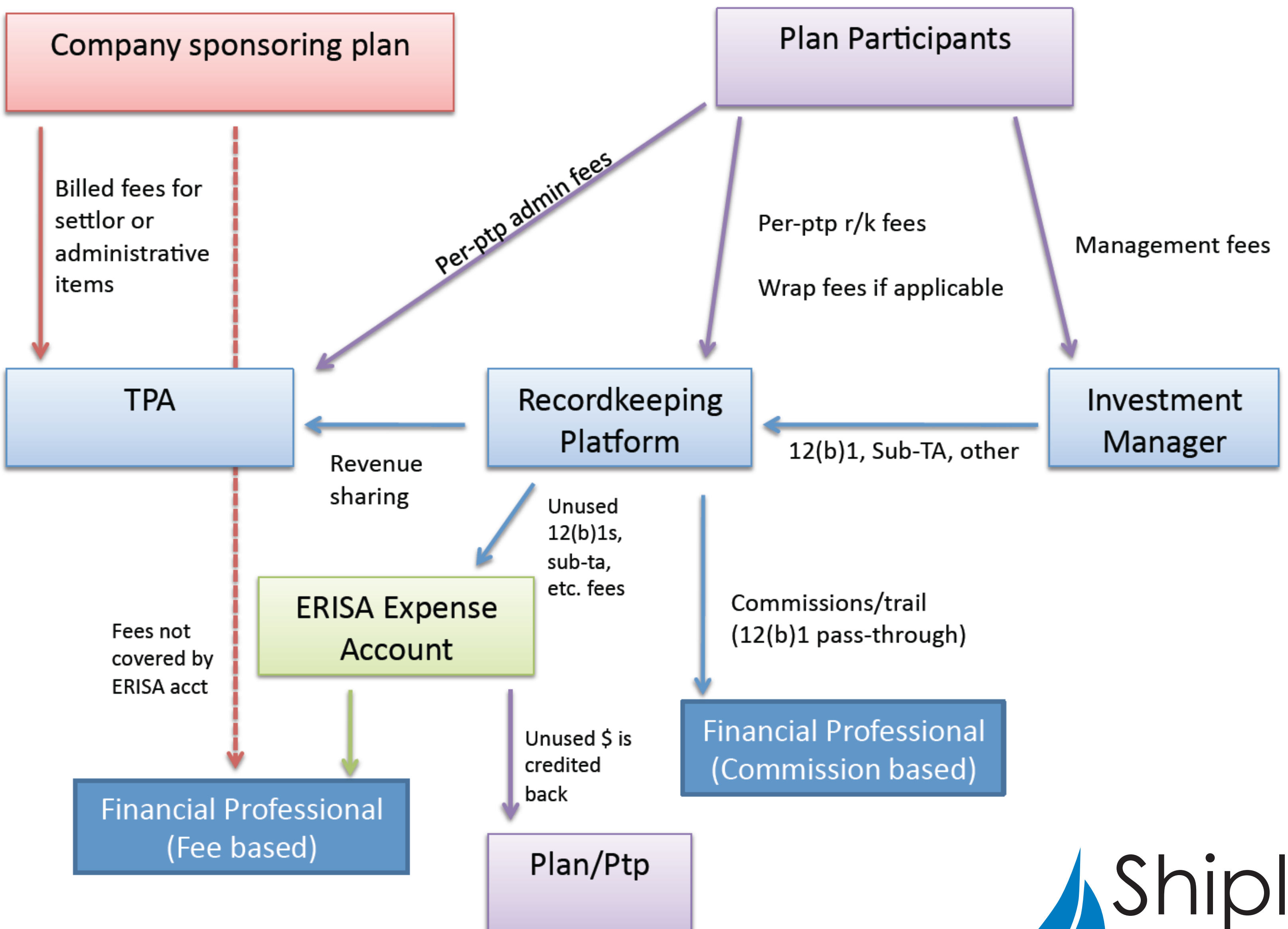
FEE FLOW IN A RETIREMENT PLAN
(UNBUNDLED)



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Follow the Money – (Hypothetical Example)

Examining a sample plan, and following the math step-by-step, will help illustrate how dollars flow between various entities. This sample plan features the common objective of having plan revenue pay all costs, with no hard-dollar fees paid by the sponsor or participants.

Sample Plan – XYZ Client

Plan Objective: No out-of-pocket cost for plan sponsor or participant

Total Plan Assets:	$10,000,000
Investment Lineup:	Predominantly Mutual Fund A-Share Classes
Participants:	350
Administrative and Recordkeeping Fee:	$12,500
Broker Compensation:	Commission-based payment from the mutual fund 12b-1 fees

The complete revenue and expense statement for the XYZ Plan is shown below:

XYZ Plan Expenses and Fee Credit Analysis

Fund Name	Fund Balance	Plan Participants	Expense Ratio	Net Fund Expense	12b-1 Fee	Shareholder Servicing	Sub-TA Fee Credits	Total Revenue Credit
Large Cap Growth Fund	$1,000,000	175	0.0133	$13,300	0.0025	0.002	$ 875	$5,375
S&P 500 Fund	$2,000,000	275	0.0059	$11,800	0	0.001	$1,375	$3,375
Large Cap Value Fund	$1,750,000	200	0.0123	$21,525	0.0025	0.002	$1,000	$8,875
Mid Cap Growth Fund	$ 250,000	125	0.0162	$ 4,050	0.0025	0.002	$ 625	$1,750
Mid Cap Core Fund	$ 350,000	200	0.0144	$ 5,040	0.0025	0.002	$1,000	$2,575
Mid Cap Value Fund	$ 400,000	100	0.0135	$ 5,400	0.0025	0.002	$ 500	$2,300
Small Cap ABC Fund	$ 700,000	150	0.0140	$ 9,800	0.0025	0.002	$ 750	$3,900
International Large Cap Fund	$ 650,000	125	0.0150	$ 9,750	0.0025	0.002	$ 625	$3,550
Intermediate Bond Fund	$ 530,000	250	0.0094	$ 4,982	0.0015	0.002	$1,250	$3,105
Stable Value Fund	$1,700,000	120	0.0075	$12,750	0	0.002	$ 600	$4,000
Target Date 2020	$ 70,000	15	0.0114	$ 798	0.0025	0.002	$ 75	$ 390
Target Date 2030	$ 150,000	25	0.0118	$ 1,770	0.0025	0.002	$ 125	$ 800
Target Date 2040	$ 300,000	25	0.0120	$ 3,600	0.0025	0.002	$ 125	$1,475
Target Date 2050	$ 150,000	5	0.0122	$ 1,830	0.0025	0.002	$ 25	$ 700
	$10,000,000			$106,395	$15,220	$18,000	$8,950	$42,170

Total Annual Recordkeeping and Reporting Fee	$12,500
Annual Investment Advisor Fee (flat dollar)	$ –
Annual Investment Advisor Fee (asset-based fee)	$15,220
Total Annual Recordkeeping, Reporting and Investment Advisor Fees	$27,720
Less: Total Revenue Credit Offset	$(42,170)
Annual Net Plan Credit (or Annual Additional Fee Due)	$14,450

Step 1

Expenses of a Single Mutual Fund on the Platform

A good first step in understanding total plan revenue and expense is to look at a typical fund in the XYZ plan.

Small Cap ABC Fund Fee Analysis (from chart on previous page)

A Class Shares Expense Example		
Management Fee	0.80%	• 0.60% retained by Small Cap ABC investment manager • 0.20% paid to recordkeeper (shareholder servicing)
Distribution (12b-1) Fees	0.25%	• Paid to dealer of record for sales and marketing support by a commission-based financial advisor
Other Fees	0.35%	• $5 per participant paid to recordkeeper (Sub-T/A fees) • Remainder retained by Small Cap ABC Fund
Total Operating Expenses	1.40%	

Management Fee (0.80%)		Distribution (12b-1) Fee (0.25%)	Other Fee (0.35%)	
$700,000 @ 0.80% = $5,600		$700,000 @ 0.25% = $1,750	$700,000 @ 0.35% = $2,450	
Retained by Small Cap ABC Fund for investment manager (0.60%)	Paid to recordkeeper for shareholder servicing (0.20%)	Paid to dealer of record	$5 per participant paid to recordkeeper (Sub T/A Fees)	Retained by Small Cap ABC Fund
$4,200	$1,400	$1,750	$750	$1,700
Total Small Cap ABC Fund Expenses Paid by Plan Participants = $9,800 (1.40% of $700,000)				

Next, translate these percentages into dollar terms for the Small Cap ABC Fund:
Total Plan Assets Invested in Small Cap ABC Fund – $700,000
Total Plan Participants in Small Cap ABC Fund – 150

Step 2

Understanding the Total Revenue Credit

In this example, Small Cap ABC Fund retains $6,110 in revenue ($4,410 management fee + $1,700 in other fees) and the dealer of record is paid $1,750 (12b-1 fees). The remaining revenue of $2,150 represents revenue sharing, which may be used by plan providers to offset plan fees such as recordkeeping and other plan charges. The amount of the 12b-1 and other revenue sharing is shown as a Total Revenue Credit in the XYZ Plan.

Who	What	How Much
Dealer of Record	Distribution and marketing (12b-1) revenue paid to Financial Advisor's dealer, a percentage of which is paid to the broker of record	$1,750
Recordkeepers	Revenue shared with recordkeepers to offset fees associated with plan administration	$1,400 Shareholder Servicing $ 750 Sub T/A Fees $2,150
Total Revenue Credit	$3,900 or 56 basis points	39% of total expenses

Who gets 12b-1 revenue?

A recordkeeper can also be paid from a 12b-1 pool. If the recordkeeper receives a payment from a 12b-1 pool, it may be used to offset administration fees or paid to a financial advisor for servicing the plan.

Step 3 and Step 4

Total Revenue Credit and Expenses for XYZ Plan

Adding the revenue-sharing dollars produced by 12b-1, shareholder servicing and sub T/A features for all funds in the XYZ Plan produces a Total Revenue Credit of $42,170. As mentioned earlier, this credit represents the amount available to offset other plan costs. In the XYZ Plan example, the other fees total $27,720 and are composed of recordkeeping/administration costs ($12,500) and investment advisor commission fees ($15,220).

Since the Total Revenue Credit of $42,170 exceeds recordkeeping/administration costs and investment consulting fees, the XYZ Plan meets the objective of having plan revenue pay for plan operating costs.

If you've done a good job, the Total Revenue Credit should approximate total plan fees. If you end up with excess credits, consider the following:

- Find a share class of funds with lower expenses or revenue-sharing arrangements.
- Use any excess credit to pay for additional participant education programs or to enhance other participant materials (such as information on plan investment options or other aspects of retirement planning).

Fact Sheet

U.S. Department of Labor
Employee Benefits Security Administration
February 2012

Final Regulation Relating to Service Provider Disclosures Under Section 408(b)(2)

The Employee Retirement Income Security Act (ERISA) requires plan fiduciaries, when selecting and monitoring service providers and plan investments, to act prudently and solely in the interest of the plan's participants and beneficiaries. Responsible plan fiduciaries also must ensure that arrangements with their service providers are "reasonable" and that only "reasonable" compensation is paid for services. Fundamental to the ability of fiduciaries to discharge these obligations is obtaining information sufficient to enable them to make informed decisions about an employee benefit plan's services, the costs of such services, and the service providers.

Background

- The Employee Benefits Security Administration (EBSA) is responsible for administering and enforcing the fiduciary, reporting, and disclosure provisions of Title I of ERISA.
- The agency oversees approximately 718,000 private pension plans, including 498,000 participant-directed individual account plans, such as 401(k)-type plans.
- In recent years, arrangements for how services are provided to employee benefit plans and how services providers are compensated (e.g., through revenue-sharing and other arrangements) have become increasing complex.
- Many of these changes have improved efficiency and reduced the costs of administrative services and benefits for plans and their participants. However, the complexity resulting from these changes has made it more difficult for many plan sponsors and fiduciaries to understand how, and how much, service providers are compensated.
- This final rule establishes, for the first time, specific disclosure obligations for plan service providers to ensure that responsible plan fiduciaries are provided the information they need to make better decisions when selecting and monitoring service providers for their plans.
- EBSA published an interim final rule (IFR) on July 16, 2010, and thereafter received approximately 45 written comments from plan sponsors, fiduciaries, service providers, financial institutions, and various industry representatives of employee benefit plans and participants. The final rule replaces the IFR with minor changes and revisions.

Overview of Final Regulation

- The final rule requires covered service providers (CSPs) to provide responsible fiduciaries with information they need to:

    - Assess reasonableness of total compensation, both direct and indirect, received by the CSP, its affiliates, and/or subcontractors;
    - Identify potential conflicts of interest; and
    - Satisfy reporting and disclosure requirements under Title I of ERISA.

- The final rule applies to ERISA-covered defined benefit and defined contribution pension plans. It does not apply to simplified employee pension plans (SEPs), SIMPLE retirement accounts, IRAs, and certain annuity contracts and custodial accounts described in Internal Revenue Code section 403(b). The final rule does not apply to employee welfare benefit plans. EBSA intends to separately publish proposed disclosure requirements for welfare benefit plans in the future.

- The final rule applies to covered service providers who expect at least $1,000 in compensation to be received for services to a covered plan. The final rule applies to the following covered service providers:

  - ERISA fiduciary service providers to a covered plan or to a "plan asset" vehicle in which such plan invests;
  - Investment advisers registered under Federal or State law;
  - Record-keepers or brokers who make designated investment alternatives available to the covered plan (e.g., a "platform provider");
  - Providers of one or more of the following services to the covered plan who also receive "indirect compensation" in connection with such services:

    - Accounting, auditing, actuarial, banking, consulting, custodial, insurance, investment advisory, legal, recordkeeping, securities brokerage, third party administration, or valuation services.

- The final rule includes a class exemption from the prohibited transaction provisions of ERISA for responsible plan fiduciaries that enter into service contracts without knowing that the covered service provider (CSP) has failed to comply with its disclosure obligations. The class exemption requires that fiduciaries notify the Department of the disclosure failure. Fiduciaries can file the notice online at **www.dol.gov/ebsa/regs/feedisclosurefailurenotice.html**.

Disclosure Requirements

Disclosure of Services and Compensation

- Information required to be disclosed by a CSP must be furnished in writing to a responsible plan fiduciary for the covered plan. The rule does not require a formal written contract delineating the disclosure obligations.
- CSPs must describe the services to be provided and all direct and indirect compensation to be received by a CSP, its affiliates, or subcontractors.
- "Direct compensation" is compensation received directly from the covered plan. "Indirect compensation" generally is compensation received from any source other than the plan sponsor, the CSP, an affiliate, or subcontractor.
- In order to enable a responsible plan fiduciary to assess potential conflicts of interest, CSPs who disclose "indirect compensation" also must describe the arrangement between the payer and CSP pursuant to which indirect compensation is paid. CSPs must identify the sources for indirect compensation, plus services to which such compensation relates.
- Compensation disclosures by CSPs will include allocations of compensation made among related parties (i.e., among a CSP's affiliates or subcontractors) when such allocations occur as a result of charges made against a plan's investment or are set on a transaction basis.
- CSPs must disclose whether they are providing recordkeeping services and the compensation attributable to such services, even when no explicit charge for recordkeeping is identified as part of the service "package" or contract.
- Some CSPs must disclose an investment's annual operating expenses (e.g., expense ratio) and any ongoing operating expenses in addition to annual operating expenses. For participant-directed individual account plans, such disclosures must include "total annual operating expenses" as required under the Department's new participant-level disclosure regulation at 29 CFR §2550.404a-5.
- The final rule contains a "pass-through" for investment-related disclosures furnished by recordkeepers or brokers. A CSP may provide current disclosure materials of an unaffiliated issuer of a designated

investment alternative, or information replicated from such materials, provided that the issuer is a registered investment company (i.e., mutual fund), an insurance company qualified to do business in a State, an issuer of a publicly-traded security, or a financial institution supervised by a State or Federal agency.
- Service providers may use electronic means to disclose information under the 408(b)(2) regulation to plan fiduciaries provided that the covered service provider's disclosures on a website or other electronic medium are readily accessible to the responsible plan fiduciary, and the fiduciary has clear notification on how to access the information.

Summary or Guide to Initial Disclosures

- EBSA strongly encourages CSPs to offer responsible plan fiduciaries a "guide," summary, or similar tool to assist fiduciaries in identifying all of the disclosures required under the final rule, particularly when service arrangements and related compensation are complex and information is disclosed in multiple documents.
- EBSA has included a Sample Guide as an appendix to the final rule that can be used on a voluntary basis by CSPs as a model for such a guide.
- EBSA intends to publish a notice of proposed rulemaking in the near future under which covered service providers may be required to furnish a guide or similar tool to assist responsible plan fiduciaries' review of initial disclosures. EBSA did not adopt such a requirement at this time and will request comments and specific data from interested persons on how to cost effectively structure a guide or similar requirement.

Ongoing Disclosure Obligations

- Changes: Generally, CSPs must disclose changes to initial information as soon as practicable, but no later than 60 days from when the CSP is informed of such change. Disclosures of changes to investment-related information are to be made at least annually.
- Reporting and Disclosure Requirements: Service providers must disclose compensation or other information related to their service arrangements upon the request of the responsible plan fiduciary or plan administrator, reasonably in advance of the date upon which such person states that they must comply with ERISA's reporting and disclosure requirements.

Disclosure Errors

- The final rule allows for timely corrections of an error or omission in required disclosures when a CSP is acting in good faith and with reasonable diligence. Such corrections must be made not later than 30 days from the date that the CSP knows of the error or omission.

Overview of Changes from Interim Final Regulation

- The final rule reflects a number of technical and other changes in response to comments received on the interim final rule, including the following:

    - An exclusion for certain Internal Revenue Code section 403(b) annuity contracts and custodial accounts;
    - Expansion of the information that must be disclosed concerning a CSP's receipt of indirect compensation to include a description of the arrangement between the payer and the CSP pursuant to which indirect compensation will be paid;
    - Conformance of investment-related disclosures for covered plans' designated investment alternatives to the requirements of the Department's participant-level disclosure regulation; and
    - A separate provision for the disclosure of changes to investment-related information, which must be updated at least annually.

- For a more detailed discussion of these and other changes, see EBSA's release entitled "Changes to Final Fee Disclosure Rule" (February 2012).

Costs and Benefits of the Final Regulation

- EBSA estimates that significant benefits will result from the reduced time and cost for fiduciaries to obtain compensation information needed to fulfill their fiduciary duties, the discouragement of harmful conflicts of interest, reduced information gaps, improved decision-making by fiduciaries about plan services, enhanced value for plan participants, and increased ability to redress abuses committed by service providers. These benefits will outweigh the costs associated with the rule.
- EBSA estimates that the final rule will be economically significant. The non-discounted costs for the first year are estimated to be approximately $164 million. The first year costs are attributable to reviewing and analyzing the regulation, conducting a compliance review to ensure that service providers comply with the regulation, and preparing and delivering any new disclosures required by the regulation. The Department estimates that 50 percent of the disclosures will be mailed at a first year cost of $9.5 million for materials and postage. Costs in the second and subsequent years are expected to fall to an estimated $43 million ($1.5 million attributable to materials and postage costs).

Effective Date; Impact on Participant-Level Disclosures

- The final regulation is effective for both existing and new contracts or arrangements between covered plans and CSPs as of July 1, 2012. The IFR's April 1 effective date was extended to July 1, 2012 in order to allow CSPs more time to respond to the specific changes made to the IFR, which are contained in the final rule. Service providers not in compliance as of July 1, 2012, will be subject to the prohibited transaction rules of ERISA section 406 and Internal Revenue Code section 4975 penalties.
- Plan administrators are reminded that the final rule's new July 1 effective date also will impact when disclosures must first be furnished under EBSA's participant-level disclosure regulation (29 CFR § 2550.404a-5). The transitional rule for the participant-level disclosure regulation was revised in July 2011 so that the first disclosures would follow the effective date of the 408(b)(2) regulation. Consequently, for calendar year plans, the initial annual disclosure of "plan-level" and "investment-level" information (including associated fees and expenses) must be furnished no later than August 30, 2012 (i.e., 60 days after the 408(b)(2) regulation's July 1 effective date). The first quarterly statement must then be furnished no later than November 14, 2012 (i.e., 45 days after the end of the third quarter (July through September), during which initial disclosures were first required). This quarterly statement need only reflect the fees and expenses actually deducted from the participant or beneficiary's account during the July through September quarter to which the statement relates.

APPENDIX to §2550.408b-2(c) – Sample Guide to Initial Disclosures

ABC Service Provider, Inc. (ABC)

Guide to Services and Compensation

Prepared for the XYZ 401(k) Plan

The following is a guide to important information that you should consider in connection with the services to be provided by ABC to the XYZ 401(k) Plan.

Should you have any questions concerning this guide or the information provided to you concerning our services or compensation, please do not hesitate to contact [*enter name of person and/or office*] at [*enter phone number and/or email address*].

Required Information	Location(s)
Description of the services that ABC will provide to your Plan.	Master Service Agreement § 2.4, p. 1
A statement concerning the services that ABC will provide as [*an ERISA fiduciary*][*a registered investment adviser*].	Master Service Agreement § 2.6, p. 2
Compensation ABC will receive from your Plan ("direct" compensation).	Master Service Agreement § 3.2, p. 4
Compensation ABC will receive from other parties that are not related to ABC ("indirect" compensation").	Master Service Agreement § 3.3, p. 4 Stable Value Offering Agmt § 3.1, p. 4
Compensation that will be paid among ABC and related parties.	Master Service Agreement § 3.5, p. 6
Compensation ABC will receive if you terminate this service agreement.	Master Service Agreement § 9.2, p. 11
The cost to your Plan of recordkeeping services.	Master Service Agreement § 3.4, p. 5

Required Information	Location(s)
Fees and Expenses relating to your Plan's investment options. *Total Annual Operating Expenses	(1) <u>Capital and Income Fund</u> Trans. Fees: InvestCo Prospectus, Fund Summary, p. 2 TAOE:* InvestCo Prospectus, Fund Summary, p. 2 (2) <u>International Stock Fund</u> Trans. Fees: www.weblink/ABCProspInv2/trans.com TAOE: www.weblink/ABCProspInv2/taoe.com (3) <u>Small Cap Fund</u> Trans. Fees: www.ABCweblink/ProspInv3/trans.com TAOE: www.weblink/ABCProspInv3/taoe.com (4) <u>Bond Market Index Fund</u> Trans. Fees: www.weblink/ABCProspInv4/trans.com TAOE: www.weblink/ABCProspInv4/taoe.com (5) <u>Stable Value Fund</u> Trans. Fees: Stable Value Offering Agmt, § 2.4, p. 3 TAOE: Stable Value Offering Agmt, § 2.3, p. 3 (6) <u>Money Market Fund</u> Trans. Fees: www.weblink/ABCProspInv6/trans.com TAOE: www.weblink/ABCProspInv6/taoe.com

Model Comparative Chart

ABC Corporation 401k Retirement Plan

Investment Options – January 1, 20XX

This document includes important information to help you compare the investment options under your retirement plan. If you want additional information about your investment options, you can go to the specific Internet Web site address shown below or you can contact [insert name of plan administrator or designee] at [insert telephone number and address]. A free paper copy of the information available on the Web site[s] can be obtained by contacting [insert name of plan administrator or designee] at [insert telephone number].

Document Summary

This document has 3 parts. Part I consists of performance information for plan investment options. This part shows you how well the investments have performed in the past. Part II shows you the fees and expenses you will pay if you invest in an option. Part III contains information about the annuity options under your retirement plan.

Part I. Performance Information

Table 1 focuses on the performance of investment options that do not have a fixed or stated rate of return. Table 1 shows how these options have performed over time and allows you to compare them with an appropriate benchmark for the same time periods. Past performance does not guarantee how the investment option will perform in the future. Your investment in these options could lose money. Information about an option's principal risks is available on the Web site[s].

Table 1—Variable Return Investments

Name/ Type of Option	Average Annual Total Return as of 12/31/XX				Benchmark			
	1yr.	5yr.	10yr.	Since Inception	1yr.	5yr.	10yr.	Since Inception
Equity Funds								
A Index Fund/ S&P 500 www. website address	26.5%	.34%	-1.03%	9.25%	26.46%	.42%	-.95%	9.30%
					S&P 500			
B Fund/ Large Cap www. website address	27.6%	.99%	N/A	2.26%	27.80%	1.02%	N/A	2.77%
					US Prime Market 750 Index			
C Fund/ Int'l Stock www. website address	36.73%	5.26%	2.29%	9.37%	40.40%	5.40%	2.40%	12.09%
					MSCI EAFE			
D Fund/ Mid Cap www. website address	40.22%	2.28%	6.13%	3.29%	46.29%	2.40%	-.52%	4.16%
					Russell Midcap			
Bond Funds								
E Fund/ Bond Index www. website	6.45%	4.43%	6.08%	7.08%	5.93%	4.97%	6.33%	7.01%
					Barclays Cap. Aggr. Bd.			

Other									
F Fund/ GICs www. website address	.72%	3.36%	3.11%	5.56%	1.8%	3.1%	3.3%	5.75%	3-month US T-Bill Index
G Fund/ Stable Value www. website address	4.36%	4.64%	5.07%	3.75%	1.8%	3.1%	3.3%	4.99%	3-month US T-Bill Index
Generations 2020/ Lifecycle Fund www. website address	27.94%	N/A	N/A	2.45%	26.46%	N/A	N/A	3.09%	S&P 500
					23.95%	N/A	N/A	3.74%	Generations 2020 Composite Index*

*Generations 2020 composite index is a combination of a total market index and a US aggregate bond index proportional to the equity/bond allocation in the Generations 2020 Fund.

Table 2 focuses on the performance of investment options that have a fixed or stated rate of return. Table 2 shows the annual rate of return of each such option, the term or length of time that you will earn this rate of return, and other information relevant to performance.

Table 2—Fixed Return Investments

Name/ Type of Option	Return	Term	Other
H 200X/ GIC www. website address	4%	2 Yr.	The rate of return does not change during the stated term.
I LIBOR Plus/ Fixed-Type Investment Account www. website address	LIBOR +2%	Quarterly	The rate of return on 12/31/xx was 2.45%. This rate is fixed quarterly, but will never fall below a guaranteed minimum rate of 2%. Current rate of return information is available on the option's Web site or at 1-800-yyy-zzzz.
J Financial Services Co./ Fixed Account Investment www. website address	3.75%	6 Mos.	The rate of return on 12/31/xx was 3.75%. This rate of return is fixed for six months. Current rate of return information is available on the option's Web site or at 1-800-yyy-zzzz.

Part II. Fee and Expense Information

Table 3 shows fee and expense information for the investment options listed in Table1 and Table 2. Table 3 shows the Total Annual Operating Expenses of the options in Table 1. Total Annual Operating Expenses are expenses that reduce the rate of return of the investment option. Table 3 also shows Shareholder-type Fees. These fees are in addition to Total Annual Operating Expenses.

Table 3—Fees and Expenses

Name / Type of Option	Total Annual Operating Expenses As a %	Total Annual Operating Expenses Per $1000	Shareholder-Type Fees
Equity Funds			
A Index Fund/ S&P 500	0.18%	$1.80	$20 annual service charge subtracted from investments held in this option if valued at less than $10,000.

B Fund/ Large Cap	2.45%	$24.50	2.25% deferred sales charge subtracted from amounts withdrawn within 12 months of purchase.
C Fund/ International Stock	0.79%	$7.90	5.75% sales charge subtracted from amounts invested.
D Fund/ Mid Cap ETF	0.20%	$2.00	4.25% sales charge subtracted from amounts withdrawn.
Bond Funds			
E Fund/ Bond Index	0.50%	$5.00	N/A
Other			
F Fund/ GICs	0.46%	$4.60	10% charge subtracted from amounts withdrawn within 18 months of initial investment.
G Fund/ Stable Value	0.65%	$6.50	Amounts withdrawn may not be transferred to a competing option for 90 days after withdrawal.
Generations 2020/ Lifecycle Fund	1.50%	$15.00	Excessive trading restricts additional purchases (other than contributions and loan repayments) for 85 days.
Fixed Return Investments			
H 200X / GIC	N/A		12% charge subtracted from amounts withdrawn before maturity.
I LIBOR Plus/ Fixed-Type Invest Account	N/A		5% contingent deferred sales charge subtracted from amounts withdrawn; charge reduced by 1% on 12-month anniversary of each investment.
J Financial Serv Co. / Fixed Account Investment	N/A		90 days of interest subtracted from amounts withdrawn before maturity.

The cumulative effect of fees and expenses can substantially reduce the growth of your retirement savings. Visit the Department of Labor's Web site for an example showing the long-term effect of fees and expenses at http://www.dol.gov/ebsa/publications/401k employee.html. Fees and expenses are only one of many factors to consider when you decide to invest in an option. You may also want to think about whether an investment in a particular option, along with your other investments, will help you achieve your financial goals.

Part III. Annuity Information

Table 4 focuses on the annuity options under the plan. Annuities are insurance contracts that allow you to receive a guaranteed stream of payments at regular intervals, usually beginning when you retire and lasting for your entire life. Annuities are issued by insurance companies. Guarantees of an insurance company are subject to its long-term financial strength and claims-paying ability.

Table 4—Annuity Options

Name	Objectives / Goals	Pricing Factors	Restrictions / Fees
Lifetime Income Option www. website address	To provide a guaranteed stream of income for your life, based on shares you acquire while you work. At age 65, you will receive monthly payments of $10 for each share you own, for your life. For example, if	The cost of each share depends on your age and interest rates when you buy it. Ordinarily the closer you are to retirement, the more it will cost you to buy a share.	Payment amounts are based on your life expectancy only and would be reduced if you choose a spousal joint and survivor benefit. You will pay a 25% surrender charge for any

	you own 30 shares at age 65, you will receive $300 per month over your life.	The cost includes a guaranteed death benefit payable to a spouse or beneficiary if you die before payments begin. The death benefit is the total amount of your contributions, less any withdrawals.	amount you withdraw before annuity payments begin. If your income payments are less than $50 per month, the option's issuer may combine payments and pay you less frequently, or return to you the larger of your net contributions or the cash-out value of your income shares.

Generations 2020 Variable Annuity Option www. website address	To provide a guaranteed stream of income for your life, or some other period of time, based on your account balance in the Generations 2020 Lifecycle Fund. This option is available through a variable annuity contract that your plan has with ABC Insurance Company.	You have the right to elect fixed annuity payments in the form of a life annuity, a joint and survivor annuity, or a life annuity with a term certain, but the payment amounts will vary based on the benefit you choose. The cost of this right is included in the Total Annual Operating Expenses of the Generations 2020 Lifecycle Fund, listed in Table 3 above. The cost also includes a guaranteed death benefit payable to a spouse or beneficiary if you die before payments begin. The death benefit is the greater of your account balance or contributions, less any withdrawals.	Maximum surrender charge of 8% of account balance. Maximum transfer fee of $30 for each transfer over 12 in a year. Annual service charge of $50 for account balances below $100,000.

Please visit www.ABCPlanglossary.com for a glossary of investment terms relevant to the investment options under this plan. This glossary is intended to help you better understand your options.

Benchmarking Considerations/Resources

Conduct periodic benchmarking studies

Examine various aspects of the plan:

Quantitative	**Qualitative**
Costs	Types/quality of services
Participation rates	Availability of services
Plan design comparative to expense	Participant services

Consider using a consultant and/or financial advisor

Third party services:

- Make sure you're comparing apples to apples
    - Plan size and structure
    - Industry
- Make sure data is "fresh"
- Make sure the comparison group is big enough

Additional resources:

Pension Data Sources: www.401ksource.com 401k Averages Book (updated annually), 401k Averages Book Fee Worksheet, 401k Book Service Summary Worksheet

Ann Schleck & Co (www.annschleck.com)

- Monarch Online Fee Benchmarker – online tool that compares advisor/consultant fees (both commission and fee-for-service) to a database of industry norms for a selected plan size
- Monarch Advisor Fee Almanac – provides fee benchmarking information on advisor fee trends, methods, and pricing norms, along with over 20 fee and service illustrations for defined contribution plans ranging in size from startup to $500 MM in assets.

BrightScope (www.brightscope.com) - based on plan audit information (2 years old) and proprietary metrics

Fiduciary Benchmarks, Inc – (www.fiduciarybenchmarks.com) considers fees, services, support and success measures across Benchmarks Reports, based on real plan data from a cross section of service providers

Department of Labor (www.dol.gov) - Understanding Plan Fees, free plan lookup

Profit Sharing Council of America's Annual Survey: (http://www.psca.org/401-k-plan-research) A comprehensive annual survey of profit sharing and 401(k) plans. The results of these surveys helps 401(k) and profit sharing plan sponsors identify the latest industry trends and benchmarking data.