

Bye moved, Volk seconded, to approve the November 16 and Special December 7, 2021, meeting minutes, with an addition to Dec. 7th minutes to include member Volk as the designated liaison regarding presidential compensation.

Hacker, Volk, Bye, and Mihalick voted yes.

3. **BSC Construction of a Polytechnic Education Facility**

Ms. Collins reviewed the proposal for BSC to proceed with the [construction of a polytechnic education facility](#) at an estimated cost of \$38 million dollars. (Res. 01-09-2015, 137(15) 097699470-18 (w/07/15/18)

Other committee members cautioned hiring a consultant without significant feedback from the NDUS Human Resource Council and then following up with other campus leaders prior to considering other providers. The committee discussed an alternative process that would include hiring a consultant that has the knowledge of the industry expectations and trends that could review the performance of the existing record keeper (TIAA), prior to determining if an RFP is necessary. In terms of fiduciary duty and responsibility of the Board, this could save on the expense, extensive process, and time to do an RFP with multiple factors/steps. The results of the evaluation of TIAA as the record keeper could be used to determine whether an RFP is necessary. Member Volk stated the first step is assessing the performance of the record keeper, not the performance of the funds, once that is established, then a review to determine if the right funds are available to maximize our participants investments?

Ms. Jane Grinde clarified that the language in the investment policy statement referencing "review of vendors," was intended for a periodic review, not a formal RFP. She noted that the Board has the authority to determine if an RFP is necessary. She responded to member Volk's concerns regarding services being independent of each other, explaining that currently TIAA is our record keeper, not fiduciary. They do not make investment recommendations, they provide the investment information used for benchmarking to industry standards (up to three benchmarks), and the SBHE is the plan sponsor. Ms. Grinde noted that the plan follows ERISA (Employee Retirement Income Security Act of 1974) guidelines because they are good, but the retirement plan is not subject to ERISA.

Mr. Olson explained that there is no need for a motion at this time, and that there is limited exemption(s) from procurement law(s) regarding employee benefits services, trust, related services, and investment management services. He requested time to research and ensure that the process discussed is within that exemption, prior to moving forward.

The meeting adjourned at 4:30 p.m. CT.

Approved February 15, 2022.