



Non Discrimination Testing Terms of Service

I. Client's Responsibilities

You are the plan administrator and the claims fiduciary as described under ERISA and the Internal Revenue Code. As such, only you have the power to waive, alter, breach or modify any of the terms and conditions of the cafeteria plan ("Plan"), and you exercise all discretion, control or authority with respect to the disposition of the available benefits. The IRS requires that the Plan be nondiscriminatory, such that it does not discriminate in favor of highly compensated individuals or key employees, as those terms are defined by the IRS. If you have elected to have BBP Admin provide nondiscrimination testing services, you shall:

- a. Login to the testing portal website via the link and login credentials provided by BBP Admin.
- b. Provide accurate and complete information in the prescribed electronic data file format.
- c. Upload the data to the testing portal website to initiate the test(s).
- d. Log back into the website to review your test results after receipt of email notification from BBP Admin that your test results are available.
- e. Make necessary election adjustments in the prescribed electronic data file format (or other method specified by BBP Admin) and timely provide that information to BBP Admin.
- f. Update your payroll records to reflect election adjustments, if any.
- g. Notify affected participants of any election adjustments made to their accounts.
- h. Correct all errors in any data, files or other materials provided to us by you or on your behalf. We do not audit data, files or other information provided by you or on your behalf by third party service providers.
- i. Timely pay all service fees.
- j. Manage access to the testing portal website by your personnel based upon your internal confidentiality and HIPAA privacy policies and procedures.
- k. Comply with all applicable laws (e.g., HIPAA, COBRA and ERISA) with respect to your Plan and make any required filings, if any.

II. BBP Admin's Responsibilities

We have been engaged by you to provide certain services in connection with your Plan(s). Accordingly, you have authorized us to use our standard procedures for the provision of such services. We shall:

- a. Provide you with a set of electronic file specifications for the delivery of data to us.
- b. Process data files submitted by you in the prescribed electronic data file format.
- c. Provide you with a link to the security testing portal website and login credentials via email.

- d. Perform nondiscrimination testing for your Plan(s) upon receipt of all required testing data.
- e. Provide you with email notification that your test results are available for your review.
- f. Have personnel available to answer phone or email inquiries by your staff regarding any election adjustments that may be necessary.
- g. Provide a sample communication you may send to affected participants regarding election adjustments made to their accounts.