Affordable Care Act (ACA)

“What You Need to Do Now”

Presented By:
Five Points
Who is Five Points?

• Been in business since 1989
• Specialize in benefits and HR apps for schools, government, and hospitals:
  • ACA education and consulting
  • ACA tracking and reporting software
  • And many other benefits and HR apps
• Exclusive partners with AML for ACA services
• Partners with American Fidelity
The ACA Puzzle

Provide ACA Required Notices
Or
Pay up to $1,000 Per Form

Track ACA Employment Status
(30+hrs per week)
Or
Pay 4980H A/B Penalties up to $2,000 Per Full Time Employee
Less 30

File ACA Annual IRS Reporting (1095/1094)
Or
Pay up to $500 Per 1095 Form

Monitor “Cadillac Tax” Threshold Limits
Or
Pay 40% Excise Tax on Amounts Above Threshold
Delays Are Over
Effective Jan. 1, 2015!

• ALEs should be able to:

1. Prove they provided ACA notices timely

2. Track full and part time employees hours and prove they offered affordable ACA coverage to at least 95% of FT employees

3. Correctly track and report all data needed for IRS reporting *each month*!

4. Beginning 2018 track the Cadillac Tax

*Are you ready?*
IRS Annual Reporting Requirements
IRS Treasury Reporting

• First reporting period begins Jan 1, 2015
• Final requirements have been released!!!
• Form 1094-C (Transmittal)
  • Used by IRS to calculate subsection (a) penalties under Code § 4980H
• Form 1095-C (Statements)
  • Used for FFM and to prove E, S, Ds had coverage for the year

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Due Dates
1095-C (Statements)

• Only one 1095-C per recipient!
• Deadline is Jan 31st (2/1/2016)
• Statements are mailed to employees’ last known permanent address
• Can deliver statements electronically if certain requirements must be met:
  • Employee affirmative consent, right to request paper, and ability to withdraw
  • Secure delivery - email is not secure!
Due Dates

1094-C (Transmittal)

- Paper forms due Feb 28th (2/29/2016)
- Mail to address provided in instructions
- Must file eFile if 250+ return filings
- Electronic transmittal returns are due March 31, 2016 for 2015
- Third party can be used for filing returns and employee statements
Form 1095-C
• Part I identifies employee and ALE
  • Data typically comes from payroll/W-2
  • Part II reports offers of health coverage, plus cost and safe harbor/relief codes
    • Employer will need to manage data
    • *Used to calculate 4980H (b) penalties*
  • Part III reports covered individuals
    • Most health plan providers can provide data, but when?
    • ALE responsible for providing copy to employees & IRS
Form 1095-C:

- ALE must file:
  - For each FT employee; and
  - If self-insured, for all enrolled PT employees and non-employees (COBRA, retiree, board member, directors, etc.)
- Can use C forms or B forms for non-employees in self-insured, but why complicate things?
  - We recommend using the C forms...
- One Form 1095-C per recipient (ALE members coordinate)
# Employer-Provided Health Insurance Offer and Coverage

**Part I: Employee**

<table>
<thead>
<tr>
<th>Employee</th>
<th>Applicable Large Employer Member (Employer)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of employee</td>
<td>Name of employer</td>
</tr>
<tr>
<td>Social security number (SSN)</td>
<td>Employer identification number (EIN)</td>
</tr>
<tr>
<td>Street address (including room or suite no.)</td>
<td>Street address (including room or suite no.)</td>
</tr>
<tr>
<td>City or town</td>
<td>Country and ZIP or foreign postal code</td>
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<tr>
<td>Province</td>
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</tr>
</tbody>
</table>

**Part II: Employee Offer and Coverage**

<table>
<thead>
<tr>
<th>Plan Start Month (Enter 2-digit number):</th>
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</table>

<table>
<thead>
<tr>
<th>All 12 Months</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>June</th>
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<th>Sept</th>
<th>Oct</th>
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<th>Dec</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offer of Coverage (enter required code)</td>
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<tr>
<td>Employee Share of Lowest Cost Monthly Premium, for Self-Only Minimum Value Coverage</td>
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<tr>
<td>Applicable Section 4980H Safe Harbor (enter code, if applicable)</td>
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</tr>
</tbody>
</table>

**Part III: Covered Individuals**

If Employer provided self-insured coverage, check the box and enter the information for each covered individual.

<table>
<thead>
<tr>
<th>(a) Name of covered individual(s)</th>
<th>(b) SSN</th>
<th>(c) DOB (if SSN is not available)</th>
<th>(d) Covered all 12 months</th>
<th>(e) Months of Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
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</tbody>
</table>

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.
Form 1095-C

Employer-Provided Health Insurance Offer and Coverage

Information about Form 1095-C and its separate instructions is at www.irs.gov/form1095c

Part I Employee

1 Name of employee
2 Social security number (SSN)

Applicable Large Employer Member (Employer)

7 Name of employer
8 Employer identification number (EIN)

9 Street address (including room or suite no.)
10 Contact telephone number

11 City or town
12 State or province
13 Country and ZIP or foreign postal code

Part II Employee Offer and Coverage

Plan Start Month (Enter 2-digit number):

- Jan
- Feb
- Mar
- Apr
- May
- June
- July
- Aug
- Sept
- Oct
- Nov
- Dec

14 Offer of Coverage (enter required code)

15 Employee Share of Lowest Cost Monthly Premium, for Self-Only Minimum Value Coverage

16 Applicable Section 4980H Safe Harbor (enter code, if applicable)

Part III Covered Individuals

If Employer provided self-insured coverage, check the box and enter the information for each covered individual.

(a) Name of covered individual(s)  (b) SSN  (c) DOB (If SSN is not available)  (d) Covered all 12 months  (e) Months of Coverage

17

18

19

20

21

22

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.
Coverage Must Be Affordable

- General rule = Employee cost can’t be more than 9.56% of the employee’s household income

- ALE won’t know household income

- Great news! There are three Affordability Safe Harbors for ALEs to use:
  1. W-2 Safe Harbor
  2. Federal Poverty Line Safe Harbor
  3. Rate of Pay Safe Harbor
Coverage
Must Be Affordable

• Have you elected your Safe Harbor?

• If you don’t pick a safe harbor you default to the general affordability rule...

• Did you calculate if your lowest cost plan is affordable based on your safe harbor?
**Employer-Provided Health Insurance Offer and Coverage**

**Part I** Employee

<table>
<thead>
<tr>
<th>1</th>
<th>Name of employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Social security number (SSN)</td>
</tr>
<tr>
<td>3</td>
<td>Street address (including apartment no.)</td>
</tr>
<tr>
<td>4</td>
<td>City or town</td>
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<tr>
<td>5</td>
<td>State or province</td>
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<tr>
<td>6</td>
<td>Country and ZIP or foreign postal code</td>
</tr>
</tbody>
</table>

**Part II** Employee Offer and Coverage

<table>
<thead>
<tr>
<th>14</th>
<th>Offer of Coverage (enter required code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Employee Share of Lowest Cost Monthly Premium, for Self-Only Minimum Value Coverage</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Plan Start Month (Enter 2-digit number):</th>
</tr>
</thead>
</table>

**Part III** Covered Individuals

If Employer provided self-insured coverage, check the box and enter the information for each covered individual.

(a) Name(s) of Individual(s) | (b) SSN | (c) DOB (if SSN is not available) | (d) Covered all 12 months | (e) Months of Coverage

<table>
<thead>
<tr>
<th>17</th>
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</tbody>
</table>
Form 1094-C Transmittal
• Transmittal is 3 pages
• Part I & II - Transmits 1095-Cs
• Part II – Identifies the ALE and eligibility for transitional relief and simplified reporting (appears to add work!)
• Part III Reports MEC offer to FT employees & transition relief
  • Used to calculate 4980H (a) penalties!
• Typically payroll and health plans won’t have data needed
• Pay hours is likely to be different than HCR average hours
**Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns**

**Part I** Applicable Large Employer Member (ALE Member)

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name of ALE Member (Employer)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Employer identification number (EIN)</td>
<td></td>
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<tr>
<td>3</td>
<td>Street address (including room or suite no.)</td>
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<td>4</td>
<td>City or town</td>
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<td>State or province</td>
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<td>6</td>
<td>Country and ZIP or foreign postal code</td>
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<td>7</td>
<td>Name of person to contact</td>
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<td>8</td>
<td>Contact telephone number</td>
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<td>9</td>
<td>Name of Designated Government Entity (only if applicable)</td>
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<tr>
<td>10</td>
<td>Employer identification number (EIN)</td>
<td></td>
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<td>11</td>
<td>Street address (including room or suite no.)</td>
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<td>Name of person to contact</td>
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<td>16</td>
<td>Contact telephone number</td>
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<td>17</td>
<td>Reserved</td>
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</tbody>
</table>

**Part II** ALE Member Information

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>18</td>
<td>Total number of Forms 1095-C submitted with this transmittal</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Is this the authoritative transmittal for this ALE Member? If “Yes,” check the box and continue. If “No,” see instructions</td>
<td></td>
</tr>
</tbody>
</table>

**District**

Under penalties of perjury, I declare that I have examined this return and accompanying documents, and to the best of my knowledge and belief, they are true, correct, and complete.

Signature: [Signature]
Title: [Title]
Date: [Date]

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.
### ALE Member Information — Monthly

<table>
<thead>
<tr>
<th></th>
<th>(a) Minimum Essential Coverage Offer Indicator</th>
<th>(b) Full-Time Employee Count for ALE Member</th>
<th>(c) Total Employee Count for ALE Member</th>
<th>(d) Aggregated Group Indicator</th>
<th>(e) Section 4980H Transition Relief Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>All 12 Months</td>
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<td>35</td>
<td>Dec</td>
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</tr>
</tbody>
</table>
• Full-time = 30 hrs/week or 130 hrs/month
• Includes PTO - vacation, sick time, etc.
• Hourly credit for any paid, or entitled to pay, hours worked on W2 employees
  • Don’t forget classes like Board Members
• Document actual hours worked for audits
Hourly employees requires actual hours.

Non-hourly employees have two options:

- Actual hours worked (paper time sheets and/or electronic time tracking)
- Or, use the equivalency method
  - 1 hour worked in a day = 8 hours credit per day, or 1 hour worked in a week = 40 hours credit
- This is where payroll records potentially fall short!

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Monthly Measurement Verses
“Look Back” Method
Employers measure average hours on an on-going monthly basis. This creates a lack of flexibility in scheduling your workforce, and also subjects ALEs the Code § 4980H (a) and (b) penalties each month. For these reasons the “Look Back” measurement method was created. If you did not adopt the “Look Back” method in 2014 you will be in the monthly measurement method for at least 2015.
The VHE “Look Back” Method

- Allows ALEs to calculate employees average hours in the past to determine eligibility
- Methodology = Measurement Period, Administrative Period, and Stability Period
- Typically a 12 month measurement period
- Stability periods must match MP
- Provides flexibility to work part-time, seasonal, and VHEs more than 30 hour per week in peak demand periods!
Credits are Applied to:

- Educational breaks in service of 4+ weeks like summer breaks and sub breaks
  - Subject to 501 Hour Limit on Credits...
- PTO such as vacation, disability, etc.
  - Uncertain how workers comp will be handled
- Special unpaid leaves such as FMLA, Military Leaves, and Jury Duty
- Rehired employees within 13 weeks (26 weeks for schools) of termination date
- Unlikely payroll systems track these rules
Common-Law Employee

Staffing Firm or PEO Members:

  – Does not include Leased employee as defined in Code Section 414(n)(2)

• Very important to work with your legal counsel to make the proper classification determination of employment!
IRS Reporting Penalty

Example

• ALE didn’t file the IRS return and statements timely or correctly:
  – 400 employees:
    – $500 x’s 400 statements = $200,000
• Max penalty for failure to file $6 million
“Good Faith” Relief for 2015

• Short term penalty relief is available for 2015 if you make a “good faith effort”

• This relief is provided only for incorrect or incomplete information reported on the return or statement, including social security numbers, TINs or dates of birth

• No relief is provided for reporting entities that do not make a good faith effort to comply with these regulations or that fail to timely file an information return or statement
The purpose of ACA IRS reporting is closely tied to 4980H penalties.

Consider a worst case scenario for 400 FTs:
- 4980H (a) penalties = $770,000
- IRS forms incorrect/untimely = $200,000
- Willful failure to provide SBCs timely = $400,000
- Total potential fines = $1,370,000
Who Is Responsible?

**Form 1094-C**

Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns

Information about Form 1094-C and its separate instructions is at [www.irs.gov/form1094c](http://www.irs.gov/form1094c)

### Part I: Applicable Large Employer Member (ALE Member)

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
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<td>2</td>
<td>Employer Identification number (EIN)</td>
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<td>Name of person to contact</td>
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<td>16</td>
<td>Contact telephone number</td>
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<tr>
<td>17</td>
<td>Reserved</td>
</tr>
<tr>
<td>18</td>
<td>Total number of Forms 1095-C submitted with this transmittal</td>
</tr>
<tr>
<td>19</td>
<td>Is this the authoritative transmittal for this ALE Member? If “Yes,” check the box and continue. If “No,” see instructions</td>
</tr>
</tbody>
</table>

### Part II: ALE Member Information

<p>| | |</p>
<table>
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</thead>
<tbody>
<tr>
<td>20</td>
<td>Total number of Forms 1095-C filed by and/or on behalf of ALE Member</td>
</tr>
<tr>
<td>21</td>
<td>Is ALE Member a member of an Aggregated ALE Group? If “No,” do not complete Part IV.</td>
</tr>
<tr>
<td>22</td>
<td>Certifications of Eligibility (select all that apply):</td>
</tr>
<tr>
<td></td>
<td>A. Qualifying Offer Method</td>
</tr>
<tr>
<td></td>
<td>B. Qualifying Offer Method Transition Relief</td>
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<td></td>
<td>C. Section 4980H Transition Relief</td>
</tr>
<tr>
<td></td>
<td>D. 98% Offer Method</td>
</tr>
</tbody>
</table>

Under penalties of perjury, I declare that I have examined this return and accompanying documents, and to the best of my knowledge and belief, they are true, correct, and complete.

| Signature | Title | Date |

For Privacy Act and Paperwork Reduction Act Notice, see separate instructions.
Conclusions

• View reporting as your 4980H finals!
• Identify your data sources
• Review your workflow processes
• How and when will you work with vendors?
• Are you going to provide 1095-Cs to employees electronically or paper?
• Determine your resource and cost impact verses your risk tolerance...
• Complete 2015 IRS 1095’s Jan – today now!
ACA Compliance –
Start With the End in Mind
The IRS Audit
Are You Ready to Keep Records for Seven Years?
W-2 Reporting Requirements

Mandatory Annual SBC’s

Material Modification Notices

Health Insurance Marketplace Notices

Ongoing ACA Average Hours Worked Tracking

Annual IRS 1094 & 1095 Reports

Cadillac Tax Tracking (2018)
How We Can Help

• Custom one-on-one consultations
• ACA Compliance apps
• Full service implementation and set up
• Ongoing access to ACA legal experts
• Salaried account managers
• Help reduce your workloads
• Save you time and money
• One user name. One password. One number for all of your ACA needs!
• AML pays 100% of set up fees and ongoing monthly fees for health plan members!

• ACA Compliance Apps Included:
  1. ACA Electronic Notices
  2. ACA Full Time Status
  3. ACA IRS Reporting
  4. Secure Communications
  5. HRIS Data Base
  6. And, Secure Employee Portal

• Includes up to 10 hours set up support
ACA Apps
Make Life Easier

- Dashboards tracks it all in one place
- Alerts & reminders keep you on track
- Integrated reporting saves time and reduces mistakes
- eFile & eDelivery saves you money
- Electronic audit reports provides proof
- Ability to integrate with payroll & imports
# ACA Software Cost

<table>
<thead>
<tr>
<th>ACA Compliance Portfolio</th>
<th>Set Up Fee</th>
<th>Annual Per Employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Includes Core HRIS, ACA tracking, ACA IRS reporting*, and ACA electronic notices apps**</td>
<td>100% Paid By AML</td>
<td>100% Paid By AML</td>
</tr>
<tr>
<td>Third Party 1095-C Printing and Mailing Option</td>
<td></td>
<td>$3.50</td>
</tr>
</tbody>
</table>
ACA Consulting

• Highly recommended for all clients

• ACA Compliance Consulting Includes:
  – Initial Assessment/Checklist (Yr. 1 Only)
  – 10 hours access to ACA consultants via phone, webinar or email each year

• Onsite consulting available $400 per hour plus travel expenses

• Unlimited access to searchable ACA knowledge base

• Free unlimited access to live workshops, webinars, videos, and email news blasts

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ACA Legal Team

- Sean McLean On Staff Attorney
- Larry Grudzien Attorney at Law
- Waller Lansden Dortch & Davis, LLP
  - James B Bristol
  - Shannon Goff Kukulka
  - Jennifer D. Faucett
- Terry Mann Attorney at Law
- Employee Benefits Institute of America
- American Fidelity ACA consulting services

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# ACA Consulting Cost

**ACA Consulting (flat rate per year)**
Includes up to 10 hours access via email and phone annually + unlimited access to ACA self help library

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<thead>
<tr>
<th></th>
<th>First Year</th>
<th>Thereafter</th>
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<tbody>
<tr>
<td>&lt;500 Employees</td>
<td>$3,000</td>
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<tr>
<td>500 – 1,000 Employees</td>
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<tr>
<td>&gt;1,000 Employees</td>
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</table>

**Additional ACA Consulting**
Time above base 10 hours, or Clients also pay consultant(s) travel expenses for onsite consulting

$400 per hour
IRS Reporting Due Dates
With Extensions

Nov 1 2015
Dec 1 2015
Jan 4 2016
Feb 1 2016
March 2 2016
May 2 2016
June 1 2016
August 1 2016

$50 per
$100 per
$150 per
$200 per
$500 per

August 2nd + Beyond

8 Weeks + Holidays

8 Weeks

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How to Get Going

• Complete the Scope of Work (SOW)
• Have someone with authority sign it
• Email or fax it to Five Points
  • Email - support@fivepointsict.com
  • Fax – 615-791-7704
• Five Points will contact you to schedule implementation meeting via phone/webinar
• We are on first come first serve waiting list
• Onsite implementation = $400 per hour and travel expenses
Make smart choices. Simplify your processes. Reduce your workloads.

CONTACT US TODAY!
info@fivepointsict.com | 800.435.5023