



TRANSBAY JOINT POWERS AUTHORITY

REQUEST FOR PROPOSALS 10-04 LEGAL SERVICES

QUESTIONS & ANSWERS

The following questions were received related to the above-referenced RFP:

- 1. Does the RFP require Respondents to demonstrate expertise in all of the practice areas identified in the Scope of Services? Must Respondents demonstrate expertise in all of the practice areas defined in the Scope of Services to meet the Minimum Necessary Qualifications requirement?*

Respondents who cannot cover every area described in the Scope of Services should describe their process for gaining additional resources and assistance. The intent of the RFP is to retain one Respondent that can provide all of the services TJPA may require on a daily basis. However, TJPA reserves the right to and may consider negotiating an agreement(s) with additional Respondents that rank highly in specialized areas of the law.

- 2. May a Respondent propose on only a portion of the scope described in the RFP?*

See response to Question 1 above.

- 3. Will Respondents with substantial expertise in one or two practice areas, but limited expertise in the other practice areas, be disqualified from consideration? In other words, is the TJPA looking to one firm to provide legal services for all practice areas referenced in the Scope of Services?*

See response to Question 1 above.

- 4. On page 2 of the RFP, the following statement appears: “the TJPA reserves the right, in its sole discretion, to bar the selected Respondent from providing legal services, either as a primary or subconsultant, to any property owner whose property is planned for acquisition by the TJPA for the Transbay Transit Center Program.” Does the TJPA intend this bar to apply only to providing legal services to property owners with regard to the Transbay Transit Center Program, or does the TJPA intend a more general bar and if so what is the extent of the bar?*

As stated, TJPA intends this bar to apply to provision of legal services. TJPA is unsure what other types of services a law firm might provide to said property owners, but reserves the right to bar the

selected Respondent from providing any type of services to the property owners and/or tenants. Note that Section 7.1.2 of the RFP requires Respondents to list any potential conflicts of interest and how said conflicts would be handled.

5. *Is it expected that, generally speaking, the outside firm or the City Attorney's office would attend Board meetings and act as general counsel?*

It is expected that generally the selected Respondent would attend Board meetings and act as general counsel.

6. *The RFP seems to state a preference for one firm but also has a DBE requirement. Are we correct in assuming that a logical way to meet the DBE requirement if the applicant is not a DBE would be to associate, as either a joint venture or a subcontract, with one or more DBE firms to perform discrete activities under the supervision of the applicant?*

Please refer to Sections 12.3 and 12.4 of the RFP, which state that TJPA has established neither a DBE availability advisory percentage nor an SBE utilization goal for this contract. Both sections state that TJPA encourages DBE and SBE participation, but there is no requirement.

7. *The Minimum Necessary Qualifications require membership in the State Bar of California. Is membership in another state bar or the District of Columbia Bar acceptable?*

In lieu of the requirement in Section 6.0 to be licensed to practice law before the state and federal courts of California, and be a member in good standing of the State Bar of California, Respondents may be licensed to practice law before the federal courts, another state's courts, or District of Columbia courts, and be a member in good standing of the Bar Association of another state or the District of Columbia.

Please note the Key RFP Dates below.

Key RFP Dates

RFP Issued:	Friday, June 11, 2010
Deadline for Submission of Questions:	Friday, June 25, 2010, 5:00 pm
Answers to Written Questions Posted:	Thursday, July 1, 2010
Proposals Due:	Friday, July 16, 2010, 12:00 noon
<i>Notification of Interviews:</i>	<i>Friday, August 13, 2010</i>
<i>Interviews:</i>	<i>Thursday, August 19, 2010</i>
Contract Recommended for TJPA Approval:	September 9, 2010