

ACTA – Legal Services RFP
Questions Received by March 26, 2018, 3:00 p.m.

1. What is the targeted hourly rate that ACTA is budgeting for legal services?

ACTA does not have a targeted hourly rate that it is using to budget for legal services. Proposers should endeavor to propose their most competitive rates for the proposed services as this is an evaluation criteria as stated in the RFP - Section IV. Evaluation and Selection Process. By way of background information, the hourly rates for all law firms engaged by ACTA during FY 2016-2017 ranged from \$139.87 for (Paralegal) to \$601.01 for (Partners, of Counsel & Senior Associate Attorneys (5th year and up)).

2. What was the percentage of legal spend in 2017 for each of the areas included in the RFP?
1) Public Financing; 2) Business Transactional Matters; 3) General Litigation; 4) Real Property Transactions (including condemnation); 5) Construction Contracts and Claims; and 6) Environmental Regulations and Entitlements (including CEQA and NEPA).

The total amount spent during FY 2016-2017 for all outside legal services was approximately \$663K broken out generally as follows: 1) Public Finance - \$270K; 2) Business Transactional Matters - \$107K; 3) General Litigation - \$7K; 4) Real Property Transactions (including condemnation) - \$260K; 5) Construction Contracts and Claims - \$9K; and 6) Environmental Regulations and Entitlements (including CEQA and NEPA) - \$10K.

3. Our firm is responding to four of the six practice areas outlined in the RFP. Does the proposed response to the RFP need to include the answers for all four practice areas within the allotted 10 page limit, or may we respond with four separate 10 page proposals per practice area?

The page limits were changed to account for multiple practice area submissions through Addendum No. 1, which was issued on March 23, 2018. See www.acta.org for more information.

4. I see that the RFP requests we describe all litigation we are involved in with the City of Los Angeles and County of Los Angeles and our firm has quite a few of those cases. Do those count toward the page limit or can we list them in an attachment or addendum? I know there is a ten page limit and listing all these cases will severely cut into that.

Addendum No. 1, issued on March 23, 2018, changed the requirements for submission of this litigation information so that it can be included as an attachment and not included in the page count. See www.acta.org for more information.

5. The RFP states that there is a 10-page limit. If a firm is responding to multiple areas of expertise, is it possible to obtain an increase in page limit in order to provide adequate information for ACTA's review?

The page limits were changed to account for multiple practice area submissions through Addendum No. 1, which was issued on March 23, 2018. See www.acta.org for more information.

6. We would like to adhere to the page limit of 10 pages that is stated in the RFP, but that page limit will not give us the opportunity to address every question that has been asked. BB&K will be proposing on all six practice areas listed in the RFP and in order to be responsive to all the questions that have been asked, we know it will take at least 25 pages to thoroughly answer the questions, excluding the cover letter and resumes. Would ACTA consider expanding the page limit to 25 pages? Or can we submit a separate proposal for each practice area in order to adhere to the 10 page limit?

The page limits were changed to account for multiple practice area submissions through Addendum No. 1, which was issued on March 23, 2018. See www.acta.org for more information.

7. Would you please provide a breakdown of your historical work in general litigation and the types of disputes you are seeking representation on?

In the past 8 years, ACTA has been involved in environmental litigation involving CEQA/NEPA issues and conformity with the Clean Air Act, an environmental clean-up dispute involving an oil spill in the Dominguez Channel, and a construction dispute involving soil settlement above a pipeline that caused street damage. These cases are representative of the types of litigation ACTA may seek legal representation for in addition to any unanticipated litigation.

8. Will ACTA accept deviations from the terms of the agreement, whether in the document itself or via a side agreement or some other writing? And, if so, where would we include the list of deviating terms identified within the RFP response?

A firm proposing deviations from the terms of the agreement should provide the proposed deviations with their proposal as an addendum, which shall not be included in the proposal page limit.

9. For the business transactional matters practice area listed in RFP Section II: Proposed Services, can you provide information on the types of transactions included in this section?

The types of services provided recently include the redrafting of selected existing agreements and legal support regarding existing and new agreements, all related to the operations and maintenance of the Corridor.

10. For RFP Section B.1., is ACTA requesting a list of matters in which the proposer is currently representing the City of Los Angeles, the City of Long Beach or the County of Los Angeles? Or, does the request also include matters where a firm is counsel to an opposing party and/or is a party in the case?

Proposers should provide the information requested for any litigation where the proposer is 1) representing either City or the County, 2) representing any party in which either City or the County are also party to the litigation or 3) a party in a case where either City or the County are also parties.

11. Which law firms are you currently working with for each of the six proposed services specified in the RFP (page 2)?

The table below lists the law firms with current assignments and their area(s) of practice.

Firm	Public Financing	Business Transactional Matters	General Litigation	Real Property Transactions	Construction Contracts & Claims	Environmental Regulations and Entitlements
Bergman Dacey Goldsmith PLC						X
Gibbs Giden Locher Turner Senet & Wittbrodt LLP					X	
Hanson Bridgett LLP		X				
Nossaman LLP				X		
O'Melveny & Myers LLP	X	X				
Polsinelli LLP	X			X		

The table below lists additional law firms under contract and their area(s) of practice.

Firm	Public Financing	Business Transactional Matters	General Litigation	Real Property Transactions	Construction Contracts & Claims	Environmental Regulations and Entitlements
Alston Bird						X
Jones Day			X			
Keesal, Young & Logan			X	X		
Nixon Peabody	X					
Olivarez Madruga		X				
Theodora Oringer			X		X	

12. What is your average legal spending expected over the contract term in each of those six areas or, if unknown, what was the average legal spend over the last five years?

See Question #2 for a breakdown of expenditures by the six practice areas for FY 2016-2017.

13. What is the reason for issuing the RFP – is it a regular yearly renewal; do you have an upcoming project and are looking for immediate, specific expertise; are you looking to change your panel firms; or is there another reason for issuing the RFP?

The current legal contracts have a termination date of June 30, 2018. This RFP represents ACTA's desire to conduct a routine, periodic re-evaluation of outside counsel to provide legal services.

14. Per the RFP, our proposal may not exceed 10 pages in length, excluding the cover letter and team member resumes. We are proposing services in all 6 of your practice areas, and are listing 13 lawyers in our team. As such, our response to question #3 is several pages long. May we include some of that material, such as representative matters for our team members, in an attachment, to ensure that our main response is 10 pages or less?

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