Procurement and Contracting Services

RFP L061817 Tri-University Request for Proposal for Legal Services for the Arizona Board of Regents and Arizona Public Universities

ADDENDUM #1
Questions and answers for RFP L061817.

1. We have worked with the Public Safety Personnel Retirement System Local Boards, for the U of A and ASU Police Departments, for over 10 years. Originally we were a single-source type of retention, due to the highly specialized nature of the work, and small number of attorneys practicing in the area, but we later responded to an ABOR RFP similar to this one. PSPRS work is not specifically listed in section 5.0, though several disciplines which the PSPRS work touches on, are listed (Administrative Law, Affiliated Entities, Employee Pensions and Benefits, and Retirement Issues and Litigation). Is the PSPRS work still considered to be subject to this RFP, as was previously the case?

Answer: This RFP is for a broad array of legal services to be provided to the Arizona Board of Regents and all three universities. Legal work relating to issues and matters relating to the Public Safety Retirement System may be provided by successful respondents to this RFP.

2. Since you have listed delivery point contacts for each individual University, is it expected that the same proposal will be submitted to all three Universities, or may we target our offering based on the circumstances of each individual University?

Answer: It is expected that the same proposal will be submitted for all three Universities. A proposal should only be submitted to a single location – multiple locations were provided for the convenience of proposers.

3. Per your email below, our law firm is in the process of completing the RFP and have a question for you regarding section 10 as it relates to “Certificates and Forms” to be submitted by participating vendors. Specifically, the listed certificates to complete are as followed (as copied directly from page 17 of your attached RFP document):

10. CERTIFICATIONS AND FORMS (Vendor to complete and return with proposal)

10.1 Certification of Proposal
10.2 Legal Workers Certification
10.3 Compliance with ARS 35-393.01
10.4 Certification Regarding Debarment, Suspension, Proposed Debarment and other Responsibility Matters (Mar 1996 as amended) (Applicable to Federal Grants and Contracts >$30k)
10.5 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (Apr 1991 as amended) (Applicable to Federal Grants and Contracts >$150k)

However, the subsequent pages in the RFP list the following blank forms to be completed (as copied from the attached RFP document):

Page 19 -- 10.1 Certification of Proposal
Page 20 – 10.2 LEGAL WORKER CERTIFICATION
Page 21 – 10.3 CERTIFICATION REGARDING DEBARMENT SUSPENSION, PROPOSED DEBARMENT AND OTHER RESPONSIBILITY MATTERS (MAR 1996)
Page 22 – 10.4 CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (APR 1991 as amended)
There seems to be a mismatch in the RFP document between the list of five certificates on page 17 (under the heading of “CERTIFICATIONS AND FORMS” as copied above) and the subsequent forms listed in pages 19, 20, 21 and 22 (also as copied above). It appears that perhaps the form entitled “10.3 Compliance with ARS 35-393.01” (the one dealing with “Participation of Boycott of Israel” per the azag.gov website at https://azag.gov/sites/default/files/sites/all/docs/procurement/AG18-0019%20Attachment%20III%20201608%20Israel%20Boycott%20Form.pdf) is missing in the pages listing the blank forms. Furthermore, if indeed it is missing, I believe it may account for the mismatch in the numbering assignments when comparing pages 17 (10.1, 10.2, 10.3, 10.4, 10.5) with the numbering assignments/heading titles for the four listed blank forms on pages 19, 20, 21 and 22.

Can you please advise me as to how we should address this issue (assuming this is what has happened)? Will we need to include a signed version of the form entitled “10.3 Compliance with ARS 35-393.01” (the one dealing with “Participation of Boycott of Israel”)? If so, can you send me an updated version of the RFP document that includes it in order to do so?

**Answer:** There is no need to provide the “Compliance with ARS 35-393.01” form for the submittal of the response. The language concerning that form was in error. The other four forms that are referenced and provided in the RFP document, Certification of Proposal, Legal Worker Certification, Certification Regarding Debarment, Suspension, Proposed Debarment and other Responsibility Matters, and Certification of Disclosure Regarding Payments to Influence Certain Federal Transactions should be completed and returned. Please refer to the Forms by name rather than by listed number because of the error in the reference.

4. Should a “Certificate of Insurance” form be included with our submission? Do you require a completed W-9 tax form?

**Answer:** A Certificate of Insurance should be included with the submission. While a W-9 form is not required, it will not be rejected nor will it otherwise affect your submittal.

5. In the above-referenced RFP, it states in Section 6.0 at 3, e that the Pricing Schedule is at Section 5.4, but I am unable to find that section or the Pricing Schedule. Can you please advise as to the availability and location of the Pricing Schedule?

**Answer:** Section 5.4 is an incorrect reference. Please see Section 8.0 for the Pricing Schedule requirements.

6. In reviewing the RFP data, the packet that was sent appears to be missing a Form (10.5 – Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions). How can I obtain a copy of that form to complete the proposal?
On Page 17, No. 10, regarding Certifications and Forms, it appears that 10.3 Compliance with ARS 35-393.01 was omitted from the RFP. The form **10.4 Certification Regarding Debarment** is labeled as **10.3 within the form header** and 10.5 Certification and Disclosure Regarding Payment is labeled as **10.4 in its header**.

Could you please send the 10.3 Compliance form, and advise if the form numbers should change for 10.4 and 10.5?

**Answer:** See answer to Question #3 above

8. In Section 6, question number 2, regarding client references, is that two references per subject area or two client references for the entire RFP?

**Answer:** A total of two client references will be sufficient. Client references for each subject area of practice for your firm is not required.

9. Please provide definitions for the Areas of Legal Representation listed in section 5.0 of the RFP.

**Answer:** Definitions to each area of legal representation will not be provided. Respond with respect to the areas of representation in which you believe you are qualified and in which you seek to provide services to the Universities.

10. Do not see a list of items that need to be submitted in section 5 of the RFP or anywhere else. I have attached a copy of the two documents that were sent to me. Is there a list somewhere of the specific items that must be submitted?

**Answer:** Section 6 of the RFP describes the information that must be provided, which includes materials concerning the items set forth in Section 5.

11. On page 17 if the RFP document, the section numbering jumps from “8.0 – Pricing” to “10.0 – Certifications and Forms.” Please confirm whether a section of text is missing.

**Answer:** No text is missing on Page 17. It is a numbering error.

12. Could you elaborate on the specific legal services to be provided under the following categories?
   a) Administrative Law
   b) Federal Communications Commission

**Answer:** Please see Answer to Question 9 above.
13. Are you looking only for lawyers admitted in Arizona?

**Answer:** No. However, if attorneys are not admitted in Arizona, the submission should identify the jurisdictions and/or courts in which they are admitted and licensed.

14. How many law firms are currently subject to pre-existing contracts with ABOR/ASU/UA/NAU? Can you provide a list of those firms?

**Answer:** This question is not relevant to this Request for Proposal and no response will be provided.

15. Historically speaking, how much does ASU/UA/NAU spend on outside counsel per area of law?

**Answer:** This question is not relevant to this Request for Proposal and no response will be provided.

16. Are your existing contracts under the same term limits proposed in this RFP?

**Answer:** This question is not relevant to this Request for Proposal and no response will be provided.

17. What are the main legal issues you are facing now or have faced in the past three years in each of the legal areas mentioned in this RFP?

**Answer:** The legal needs of each of the Universities and the Board of Regents vary considerably and span the entire range of areas that are listed in the RFP. As a result, no specific answer to this question can be provided.

18. How many firms will you select per area of law?

**Answer:** There is no pre-determined number of firms to be selected.

19. As an International law firm with offices around the country, we may encounter a situation where one of our areas of expertise is not local – should we still provide responsive information in connection with those areas of law?

**Answer:** If you wish to provide such information for consideration, yes.

20. Will the rates we propose be firm for the life of the contract or is there room for annual escalation, subject to prior written approval?

**Answer:** If you wish to have annual escalation or any other terms concerning variation in pricing that must be included in your proposal.

21. Can you please clarify what specific areas you mean by “International Law and Matters.”

**Answer:** Please see the Answer to Question 9 above.

22. Is IP litigation included in this RFP and if so, under what category should it be included?
Answer: Intellectual Property matters and issues is identified as a subject in Section 5. If you wish to provide information concerning Intellectual Property litigation, you are free to do so as part of the submittal under Section 6.

23. There is a line item for Federal Communications Commission and “FCC” is also included in Federal and State Administrative Agency Matters. Can you provide more detail on the types of matters each of these categories would cover?

Answer: Please see the Answer to Question 9 above.

24. What type of specific evidence is ARBOR requesting in item 1 under Section 6: Proposer qualifications?

Answer: You should provide the information that you believe demonstrates your qualifications as set out in Section 6.

25. Are Vendors able to provide one rate chart for all areas of service in which they choose to bid, or would ABOR prefer separate fee charts for each area of legal representation?

Answer: The response should have information set out in the most efficient and clear manner possible.

26. Please explain the types of matters ABOR most often encounters would the category: Federal and State Administrative Agency Matters.

Answer: Please see the Answer to Question 9 above.

27. Please explain the types of matters ABOR most often encounters under the category: Administrative Law.

Answer: Please see the Answer to Question 9 above.

28. Please explain the types of matters ABOR most often encounters under the category: Intellectual Property.

Answer: Please see the Answer to Question 9 above.

29. Are Global Data Protection Regulations of concern to ABOR?

A. Yes.

30. What are ABOR’s current, if any, need in the Biotechnology?

Answer: A non-exclusive, non-exhaustive listing of areas of legal representation in which the Universities and ABOR are interested is set forth in Section 5.

31. Should responders provide a redline draft of the Terms and Conditions? Or is a list of bulleted exceptions preferred?

Answer: Bulleted exceptions are preferred.
32. Is work for the Arizona State University Foundation included within the scope of this RFP?

Answer: No. Foundations are entities separate from the universities and the Board of Regents and they secure their own legal services.

33. If possible, please provide some additional information as to the Universities particular needs regarding FCC Counsel.

Answer: Please see the Answer to Question 9 above.

34. If possible, please provide some additional information as to the Universities’ particular needs regarding FDA Counsel.

Answer: Please see the Answer to Question 9 above.

35. Should we sign the agreement for Legal Services in anticipation of acceptance or is it a sample for review only?

Answer: It is a sample only. Upon award, we will create an execution version of the contract with the firm name and other relevant information included.

END OF ADDENDUM. ALL ELSE REMAINS THE SAME.