

**ALAMEDA CORRIDOR**  
**OUTSIDE COUNSEL LEGAL SERVICES**  
**Request for Proposals dated January 24, 2023**

***Responses to Questions***

Issued February 10, 2023

- 1. I was reading and analyzing your current RFP for Outside Legal Services and have a question/concern. I noticed that the Dates for Questions and Proposal Due are posted but I was wondering are they due at their respective dates at the end of the business day, presumably 5:00 p.m., or end the actual day, 11:59 p.m.?**

In response to your question regarding the due date and time of both the questions submitted and the proposals due, both are due at the end of the actual day at 11:59 p.m. The website has been updated to reflect the actual date and time.

- 2. Regarding the RFP for Outside Counsel Legal Services, under section 2: Proposed Legal Services, you specified that ACTA is looking for experienced law firms that have experience in employment matters, does this encompass neutral workplace investigations as well?**

Yes, engagement of an outside law firm for employment matters may include neutral workplace investigations.

- 3. Is this proposal seeking legal representation on workers' compensation claims? I reviewed the proposal but kindly would like to clarify on the highlighted below.**

**“ACTA is seeking experienced law firms possessing substantial background and experience in advising government agency clients with respect to the following practice areas:**

- 1. Public Finance (bond, tax and disclosure services); 2. Business Transactions and Contracts;**
- 3. Employment Matters, including CalPERS expertise; 4. Real Property; 5. Construction Contracts and Claims; and 6. Environmental Regulations and Entitlements (including CEQA and NEPA); and 7. Litigation coverage for any of the matters listed above”**

ACTA does not have an active Worker's Compensation practice area at this time. However, if your firm would like to be considered for this practice area, please include information in your proposal.

- 4. The RFP includes a copy of the draft agreement which has two exhibits. Exhibit B is a sample invoice. We would like to clarify whether firms are required to include a sample invoice with their response to the RFP or will firms be required to include the sample invoice upon contract execution.**

No, firms do not have to supply a sample invoice with their proposal. Also, firms will not have to supply a sample invoice upon contract execution.

- 5. Regarding the requirement: "If your firm cannot agree to the requirements exactly as set forth in this RFP, please do not submit a proposal." Does that requirement apply to the ACTA Law Firm Agreement? For instance, if we will be requesting changes to the ACTA Law Firm Agreement, should we not submit a proposal?**

ACTA is issuing an addendum to the RFP. See the published Addendum #1.

- 6. Is there a time of day for the deadline?**

Proposals are due at the end of the actual day at 11:59 p.m. The website has been updated to reflect the actual date and time.

- 7. Is ACTA willing to discuss potential changes to Sections 3.A, re Professional Ethics and Conflicts of Interest, 3.C.2, regarding indemnification for subcontractor or consultant negligence, 6.D and 6.E, regarding Indemnity for General Liability and Indemnity for Professional Liability, respectively, and 15, regarding Trademarks, Copyrights and Patents. In addition, in connection with Section 6.G, we note that our professional liability policy, from ALAS, does not include coverage for contractual liability. Further, ALAS is not rated by Best's, but instead has a rating of A (Strong, Stable Outlook) from Fitch.**

ACTA is issuing an addendum to the RFP. See the published Addendum #1.

- 8. What kinds of "Business Transactions and Contracts" is ACTA seeking assistance with? We are considering proposing our legal services in this practice area, but would like additional information if possible.**

ACTA has occasional need for outside counsel services for interpretation of, and amendments to, various long-term operational agreements. These agreements include, for example, the Use Permit, the Use and Operating Agreement and security and dispatch agreements with the ports and railroads.

9. **Page 5 of the RFP states that we must submit “One digital copy” of the proposal to the stated email address. However, item 3.3 on Page 6 of the RFP specifies how many single-sided or double-sided pages should be included. Are we also supposed to submit a physical copy in addition to the digital copy?**

No, only digital submission is requested.