



**STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET**

July 12, 2019

TO: ALL OFFERORS
FROM: DAVID C. CRAK
PENSION ADMINISTRATOR
SUBJECT: ADDENDUM TO REQUEST FOR PROPOSAL
CONTRACT NO. OMB 19-544- Securities Litigation
Delaware Public Employees' Retirement System,
Actuary

ADDENDUM

This Addendum is issued to answer vendor questions and provide greater contract detail regarding the referenced Request for Proposal. All other terms and conditions remain the same.

Q1. If a firm is selected as monitoring counsel for DPERS, does that preclude the same firm from serving as litigation counsel in a securities case in the future?

Answer-No

Q2. I write to seek clarification on whether a firm that is selected to provide securities litigation evaluation and monitoring services would be precluded from serving as securities litigation counsel to the Denver Public Employees Retirement System.

Answer-No

Q3. If selected as securities monitoring counsel pursuant to this RFP, would the selected Firm be disqualified from representing DPERS in any securities litigation, or only such litigation matters in which the selected Firm provided an evaluation to DPERS?

Answer-No

Q4. If counsel evaluates a matter and makes a recommendation in favor of a litigation, will that counsel be precluded from being eligible to be considered to serve as securities litigation counsel for DPERS for such matter?

Answer-No



OFFICE OF PENSIONS

860 SILVER LAKE BLVD., SUITE 1 • MCARDLE BUILDING • DOVER, DE 19904
PHONE: (302) 739-4208 • TOLL FREE: (800) 722-7300 • FAX: (302) 739-6129 • WWW.OMB.DELAWARE.GOV

Q5. If the Firm is selected as monitoring counsel, will the Firm be precluded from acting as litigation counsel?

Answer-No

Q6. Will selection as legal counsel to evaluate and monitor securities litigation for DPERS pursuant to this RFP preclude counsel from being selected to serve as securities litigation counsel?

Answer-No

Q7. Will monitoring counsel receive DPERS' custodial data on a regular basis, or will access to data be provided directly by DPERS on a case-by-case basis as needed?

Answer-Open to discussion, but more likely the former.

Q8. Further, if there is a blanket disqualification, does DPERS issue a separate RFP to create a pool of approved securities litigation counsel?

Answer-N/A

Q9. Has DPERS determined the length of the contract that will be awarded pursuant to this RFP?

Answer-3-5 years

Q10. Does DPERS have a *current* pool of attorneys/firms who provide the securities *litigation* services, which are to be monitored/evaluated by the Awardee of this RFP?

Answer-No

Q11. Does DPERS anticipate issuing an RFP for securities *litigation* counsel in the near term.

Answer-No

Q12. Will securities litigation counsel be selected from the law firms that are awarded contracts pursuant to this RFP?

Answer-Likely, but not strictly limited to RFP responders.

Q13. Should the electronic copy of the response be submitted on a memory stick/USB flash drive, compact disc, DVD disc, or by email?

Answer-A memory stick/USB flash drive, compact disc, DVD disc is preferred

Q14. Is the Vendor to be responsible for identifying investment losses through portfolio transaction monitoring and raising new potential litigation matters with DPERS,

Answer-Yes

or is the engagement limited to review at DPERS's request to evaluate matters raised by others? If the former, will the Vendor be reimbursed for the reasonable costs associated with portfolio monitoring?

Answer-Please provide your proposal along these lines.

Q15. Will DPERS prefer Vendors headquartered and/or licensed to practice in Delaware and/or partnered with licensed Delaware counsel?

Answer-No