

Questions regarding Proposal Number DOJ2015-0001 and DOJ Answers

1. Are administrative representations (e.g. Tax Appeal Board matters, Environmental Appeals Board matters, Coastal Zone Industrial Control Board matters, etc.) encompassed by “2. Civil litigation” or should administrative appellate work for Tax Appeal Board matters be addressed under either “5. Delaware and federal tax law” or under “7. Escheat law”?

Answer: Civil litigation may include administrative representations, however, if your firm has expertise in a specific area of the law cited in the other subsections it should also be noted there. It is recommended that you include #2 along with any other more specific area of law intended to be bid on.

2. What are the differences in transaction types or scope of work between the practice areas #13 State Pension System – Alternative Investment Legal Counsel and #15 Special Investment Counsel?

Answer: After further review, it appears that the terms are synonymous and each involve advice in connection with structuring alternative investments (limited partnerships, offshore vehicles, hedge or venture funds, etc.) and assistance in drafting and/or negotiating manager agreements, limited partnership and limited liability company agreements, subscription agreements, trust agreements, contracts, side letters, offering memoranda, prospectuses and similar offering materials, and other documents related to a commitment of funds to an alternate investment.

3. The Selection Criteria set forth in Section 5.01 includes “references and recommendations of other clients.” How many references would you like us to provide?

Answer: A minimum of 2 references. Delaware references preferred.

4. Do you have a form of Legal Services Pool Agreement and Addendum that we can review?

Answer: Those are currently being drafted but will be posted on the websites when complete.

5. Should Proposing Firms send the original and 5 bound copies of proposals to 820 North French Street, 5th floor, Wilmington, DE 19801, to 102 W. Water Street, Dover, DE 19904, or both?

Answer: Please send your proposal (original and 5 copies) to the 820 N. French Street address. No need to send to Dover.

6. Section 1.01 Project Scope of the RFP (page 3), lists, among others, the following areas of law: 5. Delaware and federal tax law; and 16. State Pension system (Special Tax Counsel). In this regard, we want to confirm whether this RFP covers the Office of the State Treasurer/Plans Management Board; the Delaware Public Employee's Retirement System; the Delaware Department of Finance, Division of Revenue; and the Delaware Department of Human Resources, Statewide Benefits Office.

Answer: The RFP does cover the entities listed, however, it is on an 'as needed' basis for when a specific matter arises that warrants outside counsel. The legal services pool agreement is executed during the bid process with the State of Delaware generally. That document will specify the terms and conditions of counsel's representation. When a matter arises that requires legal services, a matter specific and state agency specific addendum will be prepared and will incorporate the legal services pool agreement that the parties agreed to during the bid process.

7. Section 3.02 Required Information, A. Proposing Firm's Prior Experience, 1. General Experience and Information, Subsection i.v. of the RFP (page 5) provides: "[p]lease describe your firm's backup procedures in the event one or more attorneys assigned to this matter should leave the firm. Identify the key attorney who will be the primary contact and lead counsel in providing services to DOJ and DelDOT, whose continuing status as such is an essential element of this contract."
In this regard, we want to confirm that the reference to "and DelDOT" is a typo and was not intended to be included in the RFP.

Answer: You are correct, DelDOT was mistakenly included. It should just say DOJ.