



SOLICITATION ADDENDUM

CITY OF PHOENIX

Solicitation Number: RFQ 21-LAW001
Addendum #1 (Issued 04/01/21)
Solicitation Due Date: Thursday, April 15, 2021, 3:00 p.m. Local Time

1.

CHANGE

Section 3, Offer Instructions, Item A, Delivery of Offer (Pages 6-7), the following is revised as follows:

Each Offeror must submit the Offer marked with the Offeror's name and the name of this RFQ **either** by hard copy or electronic, as follows:

Offer shall be marked on the outside envelope, or on the email subject line, with "OFFER, OUTSIDE COUNSEL SERVICES, RFQ, NO. 21-LAW-001, and contain the submitter's name.

If hard copies are mailed or dropped off, submit 1 original and 2 copies. Access to City buildings is by appointment only. Please email Jessica Arambula at Jessica.arambula@phoenix.gov - preferably two days prior to the appointment, to schedule an appointment for delivery or to submit an Offer in person. Offers should be delivered to:

RFQ No. 21-LAW-001
Cris Meyer, City Attorney
City of Phoenix Law Department
200 West Washington Avenue, 13th Floor
Phoenix, AZ 85003-1611

Offers may also be submitted electronically and must be received on or before the due date and time indicated in the RFQ. Only approved digital signatures are acceptable (not typed signatures). Please email Jessica Arambula at Jessica.arambula@phoenix.gov

It is your responsibility to ensure that your email with your Offer was submitted and received on time. Large emails may get rejected by the City's email system – therefore links to a SharePoint or OneDrive are acceptable, or multiple emails labeled with email "1 through 3" etc.

If you do not get a response from Jessica Arambula by email, that she can open the file, you must confirm timely receipt and that the files are accessible by the City by the due date and time.

The due date and time on the email(s) as received/stamped by the City's inbox will provide proof of submission and verification, or a response from Jessica, whether the Offer was received on or prior to the Offer submittal date and time in the Schedule of Events.

All Offers must be submitted by the deadline listed on page 1 - **Offers received after the deadline will be disqualified as non-responsive.**



SOLICITATION ADDENDUM

CITY OF PHOENIX

Solicitation Number: RFQ 21-LAW001
Addendum #1 (Issued 04/01/21)

Solicitation Due Date: Thursday, April 15, 2021, 3:00 p.m. Local Time

2.	CHANGE Exhibit E has been revised, as attached.
3.	Question: “Are we required to submit hard copies of our proposal, or can we just email the response to you?” Answer: Hard copies are not required. Please send electronic proposals to Jessica Arambula at Jessica.arambula@phoenix.gov and see herein, Answer #1 Section #3 as revised.
4.	Question: “Do you have guidelines as to the number of years of experience that separates a senior partner from a junior partner, and a senior associate from a junior associate, or are we free to determine those distinctions as we see fit?” Answer: Firms may provide the City with their existing internal guidelines as to distinctions for junior and senior partner and associate rates. If firms do not have internal criterion to differentiate junior or senior associates, and junior or senior partners, the following guidelines will apply for the purposes of City of Phoenix billing: associates with less than seven years’ experience are billed as a junior associate, and attorneys that are designated a partner by the firm, but with less than five years’ experience as a partner would be billed as a junior partner.
5.	Question: “Can you please confirm if we should use the term RFP or RFQ?” Answer: This solicitation is technically an RFQ, a Request for Qualifications, and not an RFP.
6.	Question: “In regard to the “good standing” requirement, is a current printout of the attorney’s profile from the Arizona (or other) State Bar Association acceptable?” Answer: Yes.
7.	Question: “Are hard copies AND electronic submissions required or can we submit either way?” Answer: Either way; and see herein, Answer #1 Section #3 as revised.



SOLICITATION ADDENDUM

CITY OF PHOENIX

Solicitation Number: RFQ 21-LAW001
Addendum #1 (Issued 04/01/21)
Solicitation Due Date: Thursday, April 15, 2021, 3:00 p.m. Local Time

8.	<p>Question: “If hard copies are required, does delivery via FedEx or UPS require an appointment for delivery?”</p> <p>Answer: Hard copies are not required and see herein, Answer #1 Section #3 as revised.</p> <p>The City is still operating by appointment only. If you chose to submit by FedEx or UPS, please send your appointment request to Jessica Arambula at Jessica.arambula@phoenix.gov</p>
9.	<p>Question: “We want to submit a proposal for areas where we would not have conflicts. Accordingly, we seek to better understand the specific departments or entities within the City of Phoenix footprint that will assign work in each of the areas of practice as defined in Attachment E. Also, if the City has guidance for firms seeking to submit proposals for certain areas of work, but not all, we would appreciate that information.”</p> <p>Answer: Law firms are encouraged to submit proposals in the fields of law that they have expertise. Please include rates for those areas of law that you seek to obtain Letters of Engagement in Attachment E, Areas of Practice Rate Schedule form. Also see Answer #2, Exhibit E, as revised.</p> <p>The Law Department general assigns the work, submits the LOE for signature and monitors outside counsel. The Law Department will function as the liaison with client departments that are being represented.</p> <p>At times, a specific department may contact outside counsel directly. This is where a department may have specific authority in the City Code or has been delegated that authority by the City Manager. An example is the Finance department may directly seek outside bond counsel.</p> <p>The City does not have a standard protocol regarding waiving conflicts. Each circumstance is unique and must be assessed based on its particular set of facts.</p>
10.	<p>Question: “Please confirm that if we submit our response via email to jessica.arambula@phoenix.gov that we can submit it in PDF format with digital signatures and that we can submit one version of the document (rather than one original and two copies).”</p> <p>Answer: If sending your proposal electronically, we will accept one copy of the proposal as a PDF. Only approved digital signatures are acceptable (not typed signatures); and see herein, Answer #1 Section</p>



SOLICITATION ADDENDUM

CITY OF PHOENIX

Solicitation Number: RFQ 21-LAW001
Addendum #1 (Issued 04/01/21)
Solicitation Due Date: Thursday, April 15, 2021, 3:00 p.m. Local Time

	#3 as revised.
11.	<p>Question: “Attachment E - Area of Law-Rates Spreadsheet: Can the City clarify the type of arbitrations contemplated, e.g., does the City expect Ogletree Deakins to handle only employment law arbitrations?”</p> <p>Answer: There are several types of arbitrations contemplated. Certain lawsuits are subject to compulsory arbitration under the Arizona Rules of Civil Procedure. Contracts can call for mandatory arbitration to resolve disputes and parties can agree to binding arbitration. Ogletree and Deakins would not be limited to representing the City in employment arbitrations only. This firm and any other firm that submits, would be eligible to handle any and all cases within its specialized field of law.</p>
12.	<p>Question: “Attachment E Area of Law-Rates Spreadsheet: Can the City provide the estimated annual volume of employment arbitrations?”</p> <p>Answer: Over the past five years, the City has not agreed to participate in binding arbitration for any employment matters. The City has five employee labor groups who are permitted to pursue grievance arbitration. It is not binding arbitration. The arbitrator makes a recommendation to the City Manager, who makes the final decision. The parties go to arbitration a few times a year. These matters are generally handled by in-house counsel, but the City reserves the right to use outside counsel as needed.</p>
13.	<p>The balance of the specifications and instructions remain the same. Offeror must acknowledge receipt and acceptance of this addendum by signing below and returning the entire addendum with the Offer submittal.</p> <p>Name of Company: _____ Address: _____</p> <p>Authorized Signature: _____</p> <p>Print Name and Title: _____</p>

**City of Phoenix Law Department
Outside Counsel Services
RFP 21-LAW-001**

Attorney or Firm Name:

Mailing Address:

Address line 2:

City, State, Zip:

E-mail Address:

Tax ID Number:

Date:

Main Phone:

Fax Number:

SBE Certified: Date of Insurance Certificate:

SBE Cert Exp Date: Amount of Insurance Certificate:

Rates per hour

Area of Practice	Senior Partner	Junior Partner	Senior Associate	Junior Associate	Paralegal	Specialized Paralegal
Aviation Law						
Bankruptcy						
Bond Counsel						
Collections						
Discrimination Issues and Litigation (State and Federal)						
Economic Development Law						
Elections, Voting Rights, Open Meeting and Public Records Law and Litigation						
Eminent Domain						
Employment Law including Personnel, Pension, Benefits Issues and Litigation						
Engineering, Architectural and Construction Contracting Issues and Litigation						
Environmental Issues and Litigation						
General Civil Litigation						
General Municipal Law						
HUD - Funded Housing Program, Mixed Finance Development and other Affordable Housing and Development						
Immigration						
Intellectual Property						
Investment Funds and Financing Expertise						

**City of Phoenix Law Department
Outside Counsel Services
RFP 21-LAW-001**

Labor Law including Negotiations and Litigation						
Lending Law (including workouts and loan defaults)						
Mediation						
Municipal Finance Law						
Municipal Law						
New Market Tax Credits transactions, analysis and compliance						
Planning, Zoning and Land Use Issues and Litigation						
Public-Private Utility Law						
Public Utility Law						
Real Estate Transactions and Litigation						
Retirement and ERISA Issues and Litigation						
Taxation Law and Litigation (including non profit and exempt entities)						
Tort Liability and/or Insurance Coverage						
Transit						
Water Law						
Worker's Compensation						
Other						

Arbitration

Flat Fee:

This figure represents the single, lump sum amount that COUNSEL will charge for representing CITY in Court-mandated arbitration cases involving less than \$50,000.00 in Maricopa County Superior Court under Rules 72 through 76, Arizona Rules of Civil Procedure.

The City Attorney's office will grant preference to those firms who bid an economical rate for handling arbitration matters.

CONTINGENCY FEE

COUNSEL and CITY may negotiate a contingency fee calculated against a settlement or award COUNSEL obtains for CITY. CITY is not liable to COUNSEL for the payment of COUNSEL's attorney's fees if COUNSEL is unsuccessful in obtaining an award of settlement for CITY. Please list the percentage fee for the following types of cases:

- | | |
|--|---|
| 1. Creditor Rights/Collections Percentage: | % of Recovery on accounts resolved prior to a lawsuit being filed |
| 2. Creditor Rights/Collections Percentage: | % of Recovery on accounts resolved after a lawsuit has been filed. |

ACCELERATED PAYMENT DISCOUNT

COUNSEL agrees that the monthly payment of billed hourly fees will be reduced by 2% if CITY pays COUNSEL within 10 days of receiving COUNSEL'S invoice. If the amount owed COUNSEL is disputed by CITY, then COUNSEL agrees that the monthly payment of undisputed hourly fees may be reduced by 2% if CITY pays COUNSEL the undisputed fees within 10 days of receiving COUNSEL'S invoice, with the remaining fees paid without a discount following resolution of the dispute.