

## **Q & A for the Legal Counsel Services Request for Proposals ("RFP"):**

**1. Are the page limits for Tabs 1 and 2 inclusive of exhibits (e.g., a firm resume)? (August 28, 2012)**

- (a) The Agencies will accept up to no more than 30 pages under Tab 1. Please refer to page 7 of Section IV.A. of the RFP. (September 10, 2012)
- (b) Tab 2 includes background information of firm, such as resumes. There is no page limit on Tab 2, but brevity is strongly encouraged. Please refer to page 7 of Section IV.B of the RFP. (September 10, 2012)

**2. Are securities litigation and class action proceedings considered multiple areas such that the 30-page limit for Tab 1 applies? (August 28, 2012)**

No, the securities litigation and class action proceedings are not considered multiple areas. (September 10, 2012)

**3. With respect to Section II, Scope of Services, are the Agencies seeking firms with expertise in a particular area(s) of class action litigation? (August 28, 2012)**

Not specifically, but expertise in class actions relating to bond underwritings, the setting of rates on variable rate bonds, and the investment of bond proceeds would be helpful. (September 10, 2012)

**4. In Tab 1, item 4, we want to clarify if you are looking for three references overall or three references for each area of law? (September 11, 2012)**

We are seeking three overall references. (September 13, 2012)

**5. I see no restrictions regarding the size of the firms. Would solo practitioners be considered? (September 13, 2012)**

Yes. (September 14, 2012)

**6. In the event that we are selected for this engagement, are we permitted to increase our fees annually as we do with other clients? (September 19, 2012)**

Yes, however, the Agencies reserve the right to negotiate such fees and such increases will require written approval by the Agencies. (September 21, 2012)

7. **Since the selection decision in connection with this request for legal services will not be made until December 2012 and the work most likely will start in January 2013, can we utilize our 2013 rates in response to question C.1 (page 7) of the request for proposals for legal counsel services? (September 19, 2012)**

Yes. (September 21, 2012)

8. **Can we bill associates based on their level of experience (e.g.: junior, mid-level, senior)? Can we adjust their rates in order to reflect the experience level of the associates? (September 19, 2012)**

Yes. (September 21, 2012)

9. **To the degree that the Agencies are concerned about diversity, will considerations be given to law firms that staff their legal team with minorities and women despite the firm not qualifying as a MWBE firm? (September 19, 2012)**

Yes. (September 21, 2012)

10. **Your RFP requests inclusion of at least three representative clients/references – if the firm asks to be placed on more than one panel, should it provide a separate set of three references for each panel that it has requested to be on? (September 19, 2012)**

No. (September 21, 2012)

11. **Have the Agencies determined any prescribed processes or role for the co-counseling of work with an MBE co-counsel? (September 19, 2012)**

We have not. (September 21, 2012)

12. **In regards to the diversity questionnaire, how do the Agencies define officials/administration, professionals, technicians, office/clerical, and services workers in terms of the organization structure of a law firm (e.g., partners, associates, paralegals, executives, and support staff)? (September 19, 2012)**

Depending on your office structure, any person in a decision making capacity (i.e., partners/senior executives) would fall under "Administrators/Officials"; associate attorneys, paralegals, etc., would fall under "Professionals" and secretaries/administration assistants would fall under "Office/Clerical". (September 24, 2012)

13. **Can we have more clarification as to the Job Categories that are listed out in the Diversity Questionnaire? Should we count all of our lawyers as "Professionals"? What about our staff? It seems like secretaries could be classified as "Office/Clerical", but some of the other administrative departments (i.e. Marketing, HR, Recruiting) could be deemed "Professionals" as well? Should C-level employees be categorized as "Officials/Administrators"? (September 18, 2012)**

Depending on your office structure, any person in a decision making capacity (i.e., partners/senior executives) would fall under "Administrators/Officials"; associate attorneys, paralegals, etc., would fall under "Professionals" and secretaries/administration assistants would fall under "Office/Clerical". Although, the State of New York does not utilize the term "C-level" employees, our understanding of the term is that those employees make significant decisions regarding a company's direction. If this definition applies to the employees at the firm, then "C-level" employees would best be categorized as "Professionals." (September 24, 2012)