

Per the instructions in the WMATA RFP 17-COUN-017, Complex Litigation, Appeals and Government Investigations, Multiple Award Task Order. The following questions and comments (items) were submitted by potential Offeror(s). WMATA responses to each of these items is shown in **Bold Font**.

Questions and Answers

1. In our review of the RFP, and our own considerations as to whether to submit a proposal, it would be very helpful to know whether firms submitting proposals are required to have experience and expertise in all of the subject areas enumerated on page 5 as opposed to submitting proposals for possible assignments in only some of the listed areas where they have particular expertise.

Answer: No, you not required to address all of the subject areas in one proposal. WMATA will be making multiple awards to ensure coverage across all required areas.

2. In an effort to produce the strongest bid possible, we were hoping you might point us to past award documents (to the extent they are public). I have been unable to locate those documents online.

Answer: WMATA has a complex litigation panel of five law firms at this time. A copy of the conformed contracts – redacted as to price and other business confidential information – will be made available upon request to sedwards@wmata.com. These conformed contracts establish a base award, and do not reflect task orders issued under those contracts. Task orders will not be made available as part of this process.

3. Would you be able to provide us with the rules and regulations that will govern the contract with selected law firms as well as whether WMATA receives any federal funding in support of its operations.

Answer: The rules and regulations applicable to the contract are established in the form of RFP, if there is a particular rule that would provide additional clarity in the contract, please propose that rule as part of your proposal. WMATA does not use federal funding to pay for legal services.

4. What is WMATA's definition of a "complex matter" for purposes of employment law matters?

Answer: WMATA does not have a definition of a "complex matter." In any submissions in response to the RFP, the bidder is free to act as its own lexicographer.

5. Are you willing to provide historical data as it relates to your employment litigation matters? It would be helpful to understand how much complex employment litigation you have experienced over the past 3 years broken down by type (single-plaintiff litigation, class/collective action, agency charges, attorney demand letters, etc.), jurisdiction, type of claim/allegations, and outcome.

Answer: We do not have this information available in a readily-accessible format. We suggest that a review of the publicly-available dockets of the federal and state courts of Virginia, Maryland, and D.C. would provide much of this information.

6. Are you willing to provide your annual legal spend for employment matters over the past 3 years broken down by type of matter?

Answer: We do not have our legal expenditures broken down in such a manner.

7. Do you have EPLI coverage? If so, who is your carrier?

Answer: Yes. AIG is the lead carrier for our policy ending 7/1/17, at the time of this writing, WMATA is in the middle of its renewal process.

8. Will a selected firm be expected to demonstrate that it has the technical ability to provide all of the services listed in Section C?

Answer: No - Please see answer 1, above.

9. We intend to bid on one aspect of the RFP: counseling WMATA on First Amendment issues. Therefore, we do not intend to bid for the other practice areas listed in Section C. Would you recommend we articulate this limited scope in the introductory section of our proposal narrative? We want to make it clear that the team members, experience and price proposal put forth will reflect only our First Amendment expertise and counsel.

Answer: Yes, you should provide clarity that your proposal is limited to one element of the scope of work.

10. Please clarify what is meant by "four years of experience." Do attorneys need to have a) graduated law school or b) passed the bar by May 1, 2013?

Answer: B) passed the bar.

11. In asking for the identity of "all persons who will actually be doing the work," please confirm that you are asking for the names and experience of paralegals/administrative support, as well as licensed attorneys.

Answer: No. We are seeking information about the attorneys only.

12. May we provide blended rates by category (e.g., partner, associate, administrative support)?

Answer: Yes, WMATA will review the proposals received and make a best value award.