COUNTY OF ALAMEDA

Questions & Answers

to

RFP No. 902071

### for

Legal Defense Representation Services

**Networking/Bidders Conference Held on 2/7/2022**

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| **This County of Alameda, General Services Agency (GSA), RFP Questions & Answers (Q&A) has been electronically issued to potential bidders via e-mail. E-mail addresses used are those in the County’s Small Local Emerging Business (SLEB) Vendor Database or from other sources. If you have registered or are certified as a SLEB, please ensure that the complete and accurate e-mail address is noted and kept updated in the SLEB Vendor Database. This RFP Q&A will also be posted on the GSA Contracting Opportunities website located at** [**Alameda County Current Contracting Opportunities**](https://gsa.acgov.org/do-business-with-us/contracting-opportunities/)**.** |

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Thank you for your participation and interest in the County of Alameda Request for Proposal (RFP) for Legal Defense Representation Services.

All the questions below are taken verbatim from written questions emailed by potential Bidders. In the answers of these questions, the County of Alameda shall be noted as “County.” The Questions and Answers are the final stance of the County. Please consider this document in preparation of your bid response.

**Questions and Answers:**

1. How does the County expect outside counsel to manage e-discovery requests? Specifically:
2. Will the County pay for the law firm to hire a vendor with software such as relativity?
3. Will the County require a written proposal from a vendor for such services?
4. Does the County have a preference for the outside firm to assign e-discovery to an attorney or paralegal?
5. If a paralegal, where does the County consider attorney involvement proper and billable?

**A1) a) In the past, the County has paid for the law firm’s use of software to aid with e-discovery requests. This was done on a case by case basis and approval to use the software to be obtained by the law firm from the County prior to its use.**

**b) A written proposal from the software vendor is not required to be submitted with the response to this RFP. If the awarded contractor requests that the County pay for this type of software, a proposal will be requested at that time.**

**c) and d) The County prefer that the least expensive qualified and capable person do the work. The County does not want an attorney to do work when there is a qualified and capable paralegal available to do the same work. The County does realize there are tasks that require an attorney’s expertise and those tasks should be assigned to an attorney. This determination would be made on a case by case basis.**

**Q2)** Does the County have a list of preferred court reporters, videographers and subpoena records services that outside counsel must utilize?

**A2) No. The County has a database of certified SLEB vendors. It is a requirement that bidders that are not certified SLEBS to subcontract with one or more SLEB for at least 20% of the total estimated bid amount in order to be eligible for contract award.**

**Please see link below:**

* [**Alameda County SLEB Program Overview**](http://acgov.org/auditor/sleb/overview.htm) [<http://acgov.org/auditor/sleb/overview.htm>]; and

[**https://acgov.org/sleb\_query\_app/slebmenu.jsp**](https://acgov.org/sleb_query_app/slebmenu.jsp)

**Q3)** Does the County audit the bills of outside counsel? If so, how soon after submission is the audit done and how soon will the firm receive an audit report and payment of non-disputed amounts?

**A3) Currently, law firm invoices are audited internally. If there is a question or discrepancy in the billing, the law firm is contacted immediately so that the discrepancy can be explained or rectified. The law firm usually receives payment 60-90 days after submitting the invoice.**

**Q4)** What is the County seeking in credentials from the outside firm?

1. Does the County require State Bar verifications and/or admissions to District Courts**?**

**A4) Although the County does require an attorney to be licensed in the jurisdiction they are practicing in, the County does not require verification. The County may, at its sole discretion, require verification from an outside firm.**

1. My firm has been invited to bid on the attached RFP for legal defense representation services (see e-mail below).  I am writing to get answers about the SLEB requirement, which the bid packet in Section III. AA identified as follows: “[b]idders that are not certified SLEBS (for definition of a SLEB see Alameda County SLEB Program Overview; [http://acgov.org/auditor/sleb/overview.htm]) are required to subcontract with a SLEB for at least 20% of the total estimated bid amount in order to be eligible for contract award.  SLEB subcontractors must be independently owned and operated from the prime Contractor with no employees of either entity working for the other.  A copy of this form must be submitted for each SLEB that the Bidder will subcontract with, as evidence of a firm contractual commitment to meeting the SLEB participation requirement.”

Burke, Williams & Sorensen is not a SLEB under the applicable standards.  Further, a requirement to subcontract with a SLEB for 20% of the total estimated bid amount is challenging because law firms typically do not subcontract out work.

I am therefore writing to get clarification as to what the County’s expectations are for non-SLEB law firms in responding to the attached RFP. Is the requirement simply to make best efforts to use SLEB vendors such as court reporters and attorney services etc.?   I am concerned that Burke, Williams and Sorensen will never be able to “subcontract for at least 20% of the total estimated bid amount,” as legal vendors are typically a much smaller percentage of total legal services in litigation.

Can non-SLEBS still be accepted in the RFP even if unable to meet the 20% SLEB requirement with best efforts?

* 1. **The County requires bidders that are not certified SLEBS to subcontract with a SLEB for at least 20% of the total estimated bid amount in order to be eligible for contract award. If bidders are unable to meet the SLEB requirement and is making any clarifications, or taking an exception, these must be submitted in the Exceptions and Clarifications form of the Bid Response Packet in order for the bid response to be considered complete. The County, however, is under no obligation to accept any exceptions or clarifications and any such exceptions and clarifications may be a basis for bid disqualification.**

1. What are the current TPA/ County of Alameda RATES for Legal Defense Outside Counsel?
   1. **It depends on the type of law and the position/experience of the person doing the work. The current rates range is: for attorney from $175/hour to $350/hour; and for paralegals from $80/hour to $125/hour.**
2. “Is Workers Compensation Defense legal services included under the “Scope of Services” for this RFP or is Workers Compensation Defense legal services contracted via a separate RFP process?"
   1. **Workers Compensation defense legal services is not included under the scope of services for this RFP. It is contracted via a separate RFP.**
3. Would you also be able to please provide me with the names of those from the County of Alameda other than yourself who were on the bidders conference along with their titles?
   1. **Attendees from the County, are as follows: Evelyn Benzon, GSA-Procurement, Mona Aubry, GSA-Procurement, Ratha Chuon GSA-OAP, Timothy Leibowitz, CAO-RMU and Lucretia Akil, CAO-RMU.**

VENDOR BID LIST

**RFP No. 902071 – Legal Defense Representation Services**

This Vendor Bid List is being provided for informational purposes to assist bidders in making contact with other businesses as needed to develop local small and emerging business subcontracting relationships to meet the requirements of the [Small Local Emerging Business (SLEB) Program](https://gsa.acgov.org/do-business-with-us/vendor-support/small-local-and-emerging-businesses/).

This RFP is being issued to all vendors on the Vendor Bid List; the following revised vendor bid list includes contact information for each vendor attendee at the Networking/Bidders Conferences.

| **RFP No. 902071 - Legal Defense Representation Services** | | | | | | |
| --- | --- | --- | --- | --- | --- | --- |
| ***Business Name*** | ***Street Address*** | ***City*** | ***ST*** | ***Contact Name*** | ***Phone No.*** | ***Email*** |
| Allen, Glasessner, Hazelwood & Werth LLP | 180 Montgomery Street, Suite 1200 | San Francisco | CA | Kimberly Chin | 415-697-2000 | kchin@aghwlaw.com |
| Andrada & Associates | 1939 Harrison Street, Suite 612 | Oakland | CA | Randall Andrada | 510-287-4160 | randrada@andradalaw.com |
| Andrada & Associates | 1939 Harrison Street, Suite 612 | Oakland | CA | Dana Colon | 510-287-4160 | dcolon@andradalaw.com |
| Andrada & Associates | 1939 Harrison Street, Suite 612 | Oakland | CA | Randy Andrada | 510 287-4160 | randrada@andradalaw.com |
| Apex Employment Law | 505 14th Street, Suite 900 | Oakland | CA | Africa Davidson | 510-588-1310 ext 102 | adavidson@apexemploymentlaw.com |
| Atkinson, Andelson, Loya, Ruud & Romo | 5075 Hopyard Road, Suite 210 | Pleasanton | CA | Chesley Quaide | 925-227-9200 | cquaide@aalrr.com |
| Bertran, Fox, Elliot, Osman & Wenzel | 2749 Hyde Street | San Francisco | CA | Michael Wenzel | 415-353-1000 | mwenzel@bfesf.com |
| Best, Best & Krieger | 2001 N. Main Street, Suite 390 | Walnut Creek | CA | Gent Tanaka | 925-977-3301 | gene.tanaka@bbklaw.com |
| Boornazian, Jensen &Garthe | 555 12th Street | Oakland | CA |  | 510-844-4350 |  |
| Borton Petrini LLP | 95 S. Market Street, Suite 400 | San Jose | CA | Samuel Phillips | 408-535-0870 | bpsf@bortonpetrini.com |
| Burke, Williams & Sorensen, LLP | 1901 Harrions Street, Suite 900 | Oakland | CA | Greg Thomas | 510-273-8780 | Gthomas@bwslaw.com |
| Burton Employment Law | 1939 Harrison Street, Suite 400 | Oakland | CA | Jocelyn Burton | 510-350-7025 | jburton@burtonemploymentlaw.com |
| Buty & Curliano LLP | 516 16th Street | Oakland | CA | Madeline Buty | 510-267-3000 | mbuty@butycurliano.com |
| Colantuono, Highsmith & Whatley, PC | 420 Sierra College Drive, Suite 140 | Grass Valley | CA | Teresa Highsmith | 213-542-5703 | thighsmith@chwlaw.us. |
| Cole Huber, LLP | 2281 Lava Ridge Crt, | Roseville | CA | Ron Scholar | 916-780-9009 | rscholar@colehuber.com |
| Collins, Collins, Muir & Stewart LLP | 750 The City Drive Suite 400 | Orange | CA | Micheal Wroniak | 714-823-4100 | mwroniak@ccllp.law |
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| Edrington, Schrimer & Murphy LLP | 2300 Contra Costa Blvd #450 | Pleasant Hill | CA | Tim Murphy | 925-827-3300 | tmurphy@esmlawfirm.com |
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| Jones Day | 555 Califronia Street, 26th Floor | San Francisco | CA | John Vogt | 949-553-7516 | javogt@jonesday.com |
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