

**STATE OF ALASKA RFP NUMBER 180000074
AMENDMENT NUMBER 1**

RETURN THIS AMENDMENT TO THE ISSUING OFFICE AT:



Department of Natural Resources
Support Services Division
Procurement Section
550 W. 7th Avenue, Suite 1330
Anchorage, Alaska 99501

THIS IS NOT AN ORDER

DATE AMENDMENT ISSUED: June 19, 2018

RFP TITLE: Legal Services for Trust Land Office

RFP CLOSING DATE AND TIME: 2:00 p.m. on June 27, 2018

The following changes/additions are required:

1. **REPLACE** the Cost Proposal Parts One and Two shown in the RFP with the Revised Cost Proposal Parts One and Two attached to this amendment (3 pages). Offerors must submit the attached Revised Cost Proposals for their proposal to be considered responsive.
2. **Comment from Potential Offeror:** From what I can tell it looks like the same RFP as was issued pursuant to RFP 180000014 last November.

Response: It is essentially the same RFP.

3. **Question:** Is the contract that was awarded pursuant to RFP 180000014 still in effect?

Response: No, that contract was cancelled earlier this year at the request of the contractor.

4. **Question:** Is this RFP to obtain secondary counsel for the previously issued contract?

Response: No, this RFP is to obtain counsel for a new contract to replace the cancelled one.

5. **Question:** How many law firms do you expect will respond to this RFP and how many responded to the last one?

Response: We won't know how many will respond to this RFP until after the Deadline for Receipt of Proposals. Three firms responded to the last RFP.

6. **Question:** Is the RFP for one firm and not a panel of firms?

Response: Yes, the contract resulting from the RFP will only be with one firm. Also, a reminder that joint ventures are not allowed under this RFP.

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7. **Question:** In the RFP I noticed the Trust Land involves a lot of non-commercial lands that deals with timber, coal, and things like that, is that relevant to this RFP or is this specifically focused on commercial properties?

Response: This is specifically focused on commercial real estate properties.

8. **Question:** You mentioned there are seven income-producing properties. Are those all located within the Anchorage area or Alaska?

Response: No. There are currently properties in Texas, Utah, Washington, and Alaska. The potential exists that properties could be acquired in other states as well.

9. **Question:** You mentioned briefly that most of the work will be for leasing as opposed to acquisitions or transactional?

Response: Potentially most of it will be for leasing but we don't know what may be required in the future.

10. **Question:** In areas within the RFP where it requires 10 years of experience representing clients with the IRS I'm assuming for acquisitions as opposed to the leasing side?

Response: IRS representation is generally limited to determinations and guidance to ensure that LLCs that hold Trust investment assets remain categorized as 501(c)(25) entities under the IRC. Additionally, you may be asked to provide guidance in concert with our tax preparers and advisors regarding Unrelated Business Income Tax and additional revenues received by the entities.

11. **Question:** Looking through the real estate text attached to the RFP it mentions the tenant types that would be appropriate for the Trust mission. Could you expand on that a little more?

Response: Tenants that go into select properties all support the mission of the Trust, which is to provide services for the Alaska mental health community. Those types of tenants do pay us rent but at a discounted rate.

12. **Question:** Is the RFP work mostly for investment income as opposed to program related?

Response: It could be both.

13. **Question:** Will the board be focusing primarily outside of Alaska or in-state?

Response: The focus may be either in-state or outside of Alaska.

14. **Question:** And would that focus most likely be the states you currently have properties or anywhere there's an opportunity?

Response: It could be anywhere there's an opportunity.

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15. Question: The RFP asks for the identity of the contractor, the co-counsel, or other legal counsels so I'm assuming if the Trust is acquiring assets in another state and we need to be in contact with a new legal counsel in that state that's not going to interfere with the intent of the RFP?

Response: Correct, however you would need to advise us who that subcontractor would be so we could approve or disapprove the sub.

16. Question: For any of the subcontractors that we know we'd be working with, for example in Texas or Washington, do they have to be identified right now?

Response: Yes. If the offeror knows they will be using a subcontractor for all work under a contract resulting from this RFP they should identify the subcontractor within their proposal. For example, if all legal transcription services under the contract resulting from this RFP will be provided by Company Y located in Washington, this company should be identified as a subcontractor in the proposal submitted in response to this RFP and must comply with the requirements listed in paragraph 3.10 of the RFP.

17. Question: Are you going to have the firm identify potential investment opportunities for the Trust?

Response: That's not something we're specifically requiring of the contractor for the contract resulting from this RFP but nothing in the contract would prohibit the contractor from bringing potential properties to the attention of the Trust.

18. Question: Who will be the primary contact for the contract?

Response: Aaron O'Quinn will be the primary Project Manager and Katie Vachris will assist him.

Procurement Officer Comment: But during the RFP process and until a contract is signed do not address any questions to Aaron or Katie. All questions are to be directed to the DNR Procurement Section and we will contact the appropriate staff for a response.

19. Question: Regarding the Cost Proposal, are we limited to designating attorneys as Senior Lawyer, Mid-Level Lawyer, etc. as they're designated on Part Two of the Cost Proposal or do we have some leeway to identify attorneys based on titles that more match our firm's titles?

Response: The Cost Proposals have been amended and a copy of the amended version is attached to this document. Please review these and direct any questions to DNR Procurement.

20. Question: Is the intention for us to list all attorneys with the same title under one hourly rate or can we list separate partners at different hourly rates as different line items?

Response: How to list the offerors staff on the Cost Proposal forms is a business decision the offeror will have to make. Attorneys can be listed separately under their applicable rate or can be lumped under one hourly rate at the offeror's sole discretion.

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21. Question: Under section 3.10, Subcontractors, on page 16, it looks like you are requiring that our subcontractors hold a valid Alaska business license. Does this apply only to subcontractors who are located within the State of Alaska or does it also apply to local counsel or title companies outside of Alaska?

Response: If a subcontractor is identified in the proposal submitted in response to this RFP the offeror must provide evidence the subcontractor holds a valid Alaska business license and otherwise complies with the requirements of paragraph 3.10. For example, in the proposal submitted in response to this RFP the offeror lists Company A Title Company from Walla Walla, Washington, as a subcontractor. Company A Title Company must hold a valid Alaska business License and comply with all other provisions shown in paragraph 3.10 of the RFP.

For Informal RFPs (IRFPs) issued to the contractor as outlined in paragraph 3.21 of the RFP for specific contract work that is to be done outside of Alaska, an Alaska business license will not be required unless the subcontractor is either an Alaskan company or will be doing all or some of the subcontracted work within the State of Alaska. For example, Company A is awarded the contract resulting from this RFP. The Trust has a need for legal services for a Trust property in Texas and issues an IRFP to the contractor. The contractor identifies Company X Title Company located in Texas as a subcontractor in the proposal submitted in response to the IRFP. Company X Title Company would not be required to hold a valid Alaska business license unless they will be performing all or some of the subcontracted work within the State of Alaska.

22. Question: The real estate guide attached to the RFP discusses assets that are already producing income. Is there a chance for development to be part of this in the future?

Response: We have several properties that have surface leases, most of which are currently in Anchorage, so there is a definite possibility for development in the future.

23. Question: Regarding the Mandatory Return amendments, are you going to designate which amendments are Mandatory Return?

Response: Yes, the amendment will clearly state whether or not it is a Mandatory Return amendment.

24. MANDATORY RETURN AMENDMENT. In order for your proposal to be considered responsive this amendment, in addition to your original proposal, must be received by the DNR Procurement Office prior to the Deadline for Receipt of Proposals. Submittal of the Revised Cost Proposal attached to this amendment will be acceptable as acknowledgement of receipt of this amendment.

Name of Company

Signature

Date

Jim Sonnier

Procurement Specialist III

PHONE: (907) 269-8687

FAX: (907) 269-8909

EMAIL: dnr.ssd.procurement@alaska.gov

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8.05 REVISED Cost Proposal - Part One - Itemized List

Attached to Amendment 1

Offeror must submit this REVISED version for their proposal to be considered responsive.

Part One is an itemized list of position titles and hourly rates for each person who will work on the contract. All direct and indirect costs associated with the hourly fees must include but not be limited to direct expenses, payroll, supplies, overhead assigned to each person working on the project, and profit. The offeror may complete and submit this Itemized List or an offeror generated separate list at their sole discretion. The only requirement for an offeror generated list is that it contain the minimum information shown on this form and be legible and easy to understand.

Offeror should enter only information for those within the firm that could reasonably be expected to work on a project, including not only attorneys but paralegal/legal assistants, office assistants, etc. If more space is needed include a separate form.

No.	Position Title	Employee Name	Hourly Rate
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Offeror Information:

1. Company Name:
2. Name of Person Completing this form:
3. Signature of Person Completing this form:
4. Date Signed:

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8.06 REVISED Cost Proposal - Part Two – Evaluated Cost Proposal

Attached to Amendment 1

Offeror must submit this REVISED version for their proposal to be considered responsive.

Part Two is the Evaluated Cost Proposal that will be evaluated by the State. To ensure an equivalent cost basis for all offerors, costs will be evaluated using this Cost Proposal form. **The Total Cost on this form will be used only for evaluation and award purposes.** The State does not guarantee a minimum or maximum number of services or dollar amount to be spent under any contract resulting from this RFP.

Hourly rates offered on this form must match the rates shown on Part One – Itemized List offered with the proposal. Provide the hourly rate in the Evaluated Title column for the Offeror's equivalent Position Title at the highest level for that shown on the Cost Proposal – Part One – Itemized List. For example, the offeror's equivalent to the Senior Lawyer evaluated title is Senior Partner. Bob Jones and Bill Smith are both identified as Senior Partners on the Part One list. Bob Jones has an hourly rate of \$200 and Bill Smith has an hourly rate of \$215. Enter the rate for Bill Smith on the form below for Senior Lawyer.

No.	Evaluated Title	Offeror's Position Title	No. of Hours	Hourly Rate	Extended Total
1.	Senior Lawyer		5	\$	\$
2.	Mid-Level Lawyer		10	\$	\$
3.	Junior Lawyer		20	\$	\$
4.	Paralegal		30	\$	\$
5.	Combined Total				\$

The Extended Total is the number of hours multiplied by the hourly rate.

The Combined Total is the cumulative total for Items 1 through 4. This is the cost that will be used for evaluation and award purposes.

Evaluated Title Designators:

1. **Senior Lawyer** designates the most highly qualified lawyer(s) on the team;
2. **Mid-Level Lawyer** designates a person who is fully qualified, fully competent in the field; and
3. **Junior Lawyer** designates any less experienced lawyer that does not meet the qualifications of Mid-Level or Senior.

Cost Proposal – Part Two – continued

4. **Paralegal** designates a person qualified by education, training or work experience who performs specifically delegated substantive legal work for which a lawyer is responsible.
5. **Administrative** designates all other staff not meeting one of the above designations.

Preference Certification:

No.	Preference: Does your company qualify for the:	Yes	No
1.	Alaska Bidder's preference? If yes, you must have a current Alaska Business license at the Deadline for Responses.		
2.	Alaska Veteran's preference? If yes, provide a copy of your DD214 with social security number, serial number, date of birth, and other Privacy Act information redacted out with your proposal or upon request by the DNR Procurement Officer. Also, preference is statutorily capped at \$5,000.00.		
3.	Alaska Employment Program or Alaskans with Disabilities preference? If yes, provide a copy of the certification letter issued by the Division of Vocational Rehabilitation with your proposal. Failure to provide a copy of the certification letter with your proposal will result in disallowance of the preference.		

Amendment(s): Offeror acknowledges receipt of the following amendment(s) issued for this RFP: _____.

Offeror Information:

1. Company Name:
2. Name of Person Completing this form:
3. Signature of Person Completing this form:
4. Date Signed:
