




WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
600 Fifth Street, NW, Washington, DC 20001-2651

AMENDMENT OF SOLICITATION / MODIFICATION OF CONTRACT

1. AMENDMENT/MODIFICATION Amendment No. 001	2. EFFECTIVE DATE (Same as block 17)		
3. ISSUED BY PURCHASING SECTION Richard Owens 600 5 th Street, NW, Washington, DC 20001 Office of Procurement and Materials	4. ADMINISTERED BY (If other than block 3)		
5. CONTRACTOR NAME AND ADDRESS <small>(Street, city, county, state, and Zip Code)</small>	6. FORM TYPE <small>(Check only one)</small> <input checked="" type="checkbox"/> Amendment Of Solicitation No.17-COUN-022 Date _____ (See block 17) <input type="checkbox"/> MODIFICATION OF CONTRACT NO. Date _____ (See block 9)		
7. <input checked="" type="checkbox"/> THIS BLOCK APPLIES ONLY TO AMENDMENTS OF SOLICITATIONS The above numbered solicitation is amended as set forth in block 10. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input checked="" type="checkbox"/> is not extended. Offerors must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation, or as amended, by one of the following methods; (a) By signing and returning <u>1</u> copies of this amendment; (b) by acknowledging receipt of this amendment on each copy of the offer submitted; or (c) by separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE ISSUING OFFICE PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If, by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided such telegram makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.			
8. ACCOUNTING AND APPROPRIATION DATA (If required)			
9. THIS BLOCK APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS <input type="checkbox"/> This Change Order is issued pursuant to _____ The Changes set forth in block 10 are made to the above numbered contract/order. <input type="checkbox"/> The above numbered contract/order is modified to reflect the administrative changes (such as changes in paying office, appropriation data, etc.) set forth in block 10. <input type="checkbox"/> Supplemental Agreement is entered into pursuant to authority of It modifies the above numbered contract as set forth in block 10.			
10. DESCRIPTION OF AMENDMENT/MODIFICATION <p style="color: red; text-align: center;">1) This Amendment transmits additional responses to 17-COUN-022, Question & Answers as noted below.</p> <p style="text-align: center; font-size: small;">Except as provided herein, all terms and conditions of the document referenced in block 6, as heretofore changed, remain unchanged and in full force and effect.</p>			
11. <input checked="" type="checkbox"/> CONTRACTOR/OFFEROR IS REQUIRED TO SIGN THIS MODIFICATION AND RETURN <u>one (1)</u> COPIES TO ISSUING OFFICE.	<input type="checkbox"/> CONTRACTOR/OFFEROR IS NOT REQUIRED TO SIGN THIS DOCUMENT		
12. NAME OF CONTRACTOR/OFFICE BY _____ <small>(Signature of person authorized to sign)</small>	15. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BY  <small>(Signature of person authorized to sign)</small>		
13. NAME AND TITLE OF SIGNER (Type or print)	14. DATE SIGNED	16. NAME OF CONTRACTING OFFICER (Type or print) Richard Owens	17. DATE SIGNED 6/09/17

Per the instructions in the WMATA RFP 17-COUN-022, Procurement and Government Contracts. 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. Are offerors required to be registered in the WMATA Vendor Registration System (VRS) by the due date for proposals or can that registration occur if/when the offeror is selected for award?

Answer: When an award is made is acceptable.

2. Please identify the law firms that have provided Legal Services for WMATA in Procurement and Government Contracts during the last three years (2014 to present).

Answer: The firms of Akin Gump; Arent Fox LLP; Nossaman LLP; Seyfarth Shaw LLP; Hawkins, Delafield & Wood are vendors on the existing Design Build/Procurement Panel, which is the closest equivalent panel under our last solicitation.

3. Please identify the contract vehicles by number under which the firms that provided Legal Services for WMATA in Procurement and Government Contracts during the last three years have provided those services.

Answer: FQ15231DB-AG; FQ15231DB-AF; FQ15231DB-N; FQ15231DB-SS; FQ15231DB-HD.

4. Will WMATA make copies of the conformed contracts for the incumbent contractors providing services to WMATA similar to those required by RFP 17-COUN-22 available to offerors?

Answer: No.

5. The RFP indicates that work will be awarded on a "task order basis".

- A. How does WMATA intend to award that subsequent task order work?

Answer: Tasks may be awarded on a firm fixed price, time and materials, or any other pricing structure negotiated between WMATA and the vendor.

- B. Is it awarded on a sole source basis or are all firms with umbrella contracts with WMATA provided an opportunity to compete for the task order work?

Answer: WMATA anticipates that some awards will be competed amongst panel members while others will be sole sourced at the General Counsel's direction and discretion.

6. The RFP notes: "It should be noted that there may be overlap between this panel and other WMATA outside counsel panels. WMATA reserves the right to choose the firm/panel requested for work in its sole discretion."

- A. Please identify the other existing "WMATA outside counsel panels" that overlap with this

RFP.

Answer: Depending on the matter, WMATA can foresee overlap with the following panels: Complex Litigation and Complex Business. WMATA's answer here does not guarantee that other overlap with other panels may not or cannot occur.

B. Please identify the contract holders for the other WMATA outside counsel panels that overlap with this RFP.

Answer: Complex Litigation panel is under solicitation at this time. Complex Business panel includes Venable; Holland and Knight; Butler Snow; Akin Gump; Arent Fox.

7. The RFP states WMATA's intent to "make awards to multiple proposers, and to establish, as funding may allow, small purchase orders with each firm."

A. Please identify the minimum and maximum number of awards that WMATA intends to make for this procurement.

Answer: Anticipated minimum is 3. No maximum has been set.

B. What is the potential value of the small purchase order that WMATA intends to place with each firm? (We understand that a funded purchase order does not guarantee any work being awarded to a particular firm.)

Answer: \$5,000 to \$10,000 depending on funding availability and anticipated needs.

8. Technical qualifications: The RFP states that "each team member must have a minimum of 4 years' experience." Please confirm the following:

A. Does the 4 years' minimum experience apply to attorneys only? **Answer: Yes.**

B. Is the 4 years' experience requirement measured from the date an attorney is admitted to a Bar or the date in which the attorney begins employment with a law firm?

Answer: Bar Admission.

C. Will reserving the right to seek a waiver of the 4 years' experience requirement for attorneys on a case-by-case basis at task order level render a proposal non-compliant and/or unawardable? **Answer: No.**

D. Is reserving the right to add additional attorneys on a case-by-case basis at the task order level subject to approval of WMATA acceptable to WMATA? **Answer: Yes.**

9. The RFP states in part: "Your response should include the identity of all persons who will actually be doing the work covered by the above scope of work and their experience with similar tasks." Please confirm that offerors are not required to identify by name paralegals and administrative support staff that may perform work related to the contract, if awarded.

Answer: Correct.

10. Pricing Proposal: The RFP provides for one blended rate for each performance year. Are

offeror(s) permitted to propose separate blended rates based on category of attorneys (e.g., partners, counsel, associates)? **Answer: Yes.**

11. Does retained counsel need to complete for the full scope of work? **Answer: No.**

12. Would a proposal that addresses only some portion of the scope of work be acceptable?
Answer: Yes.

13. What is the continued viability of existing contracts that cover similar services?

Answer: WMATA anticipates continuing contracts for outside counsel panel members where the existing contractor has open task orders. WMATA anticipates not exercising additional options for existing contracts where there are no open task orders. Notwithstanding these anticipated actions, WMATA reserves any and all rights it may have under any existing contract and makes no guarantee that these anticipated actions will come to pass.

14. Would WMATA be amenable to multiple blended hourly rates, or is a single blended hourly rate required:

Answer: Multiple blended rates are acceptable.

15. Does WMATA have an estimated level of effort for the procurement or litigation work?

Answer: No, we do not have an estimate available