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March 1, 2017

**SANTA FE COUNTY
RFP NO. 2017-0223-LG/MM
LEGAL SERVICES**

ADDENDUM NO. 1

Dear Proponents,

This Addendum No. 1 to RFP No. 2017-0223-LG/MM (RFP) is effective immediately. It shall be the responsibility of interested Offerors to adhere to any changes or revisions to the RFP as described in this Addendum No. 1. This Addendum No. 1 shall be included in the procurement file for this RFP.

CLARIFICATIONS

Clarification No. 1. Resumes of key personnel and cost proposals shall not count toward the proposal page limit. Accordingly, the first sentence of Section IV(C) (Proposal Format), on page 20 of the RFP, is amended to read as follows:

“All proposals shall be limited to 15 pages, with the exception of professional licenses, certifications, resumes, and cost proposals, which shall be attached to a proposal as appendices or, in the case of the cost proposal, provided in a separate sealed envelope.”

The 15 page limit is 7 ½ pages double sided. Normal line spacing means single spaced. Resumes should be attached as an appendix and attached resumes should be summarized in the response required in Section V.B.1 (Experience).

Clarification No. 2. The last paragraph of Section V(B)(1) (Evaluation Factors), on page 23 of the RFP, is designated as subpart b and amended to read as follows:

“b. Offerors must identify the key personnel whose time or services the Offeror will likely bill as part of the Offeror’s services to the County and describe their specific qualifications and capabilities. Offeror must submit a resume for all such personnel that, at a minimum, provides the following:

- Person’s name.
- Education.

- Position.
- Total years and types of experience.
- Experience on similar projects and engagements.
- Certifications or other professional credential that clearly shows how they meet and/or exceed the County’s minimum experience qualifications.
- Identify all jurisdictions in which the person has been admitted to practice law, excluding pro hac vice admissions, and the years of admission for each jurisdiction.”

Clarification No. 3. The “Procurement Library” referenced in Section II.A on page 6 of the RFP can be found at the Purchasing Division’s webpage: www.santafecountynm.gov/asd/current_bid_solicitations. Specifically, the four items listed in Section II(A) as being part of the Procurement Library are available via hyperlinks under the heading for this RFP on the referenced webpage, “RFP# 2017-0223-LG/MM Legal Services (NM Commodity Code 96149)”.

Clarification No. 4. Among other things, Section V(C) (Cost Proposal), on page 23 of the RFP, requires Offerors to “[p]rovide in a separate sealed envelope firm, fixed, fully loaded hourly rates for each category of professional and paraprofessional whose time will be billed to the County for services rendered.” In response to questions raised at the Pre-Proposal Conference on February 22, 2017, the following clarifications are made:

- Offerors **may** propose different hourly rates for categories of professionals and paraprofessionals working in different practice areas.
- Offerors may **not** propose alternative pricing – e.g., task or project based fixed fees. This is because there are no specific tasks or projects developed in the RFP to the level of specificity necessary for a meaningful evaluation of such alternative pricing. If awarded a contract, however, the contractor and County may negotiate alternative pricing for a specific task or project.

QUESTIONS AND ANSWERS

Question 1: *Does the request for proposal which covers “non-bond financing” and transactions encompass financing and related matters that may address or relate to real estate or financing matters using the EB-5 Immigration Investment Visa Program?*

Answer: No.

Question 2: *Why is this RFP being solicited?*

Answer: Santa Fe County relies upon both staff and contract attorneys to meet its legal needs. For example, Santa Fe County sometimes assigns to contract attorneys litigation for which there is no or limited coverage under its insurance policies. In addition, Santa Fe County sometimes collaborates with outside counsel in specialized areas of the law in which its staff attorneys lack requisite expertise or capacity.

Except in the case of emergencies and sole sources, state law requires professional services contracts in excess of \$60,000 to be solicited through a competitive procurement process, such as

the RFP. NMSA 1978, § 13-1-124(A) (authorizing the procurement of services “having a value not exceeding sixty thousand dollars (\$60,000), excluding applicable state and local gross receipts taxes, in accordance with the applicable small purchase rules”). While there is no guarantee of the amount of work that may be awarded to a contractor, it is possible that the compensation paid under any contract will exceed \$60,000 over the contract’s term. In addition, professional services contracts for legal services may not exceed four years. NMSA 1978, § 13-1-150 (B). And many of the County’s existing legal services contracts will reach the end of their allowable four year term in the coming months.

Question 3: *What is a veteran preference?*

Answer: The resident veteran business preference is described at NMSA 1978, § 13-1-21. In essence, certain resident veteran businesses may be awarded additional points when responding to a formal request for proposals, such as the RFP. To be eligible for the preference, the business must have a valid resident veteran business certificate issued by the New Mexico Taxation and Revenue Department.

Question 4: *How do we apply for a County of Santa Fe Preference Certificate?*

Answer: Please visit our website at www.santafecountynm.gov/asd/purchasing_division for instructions and the form used for the Santa Fe County procurement preference. The Santa Fe County Preference is also described in Santa Fe County Ordinance 2012-4.

Question 5: *Please provide more information regarding Environmental issues on which outside counsel may be asked to provide legal services.*

Answer: Based on past experience, Santa Fe County anticipates potentially utilizing the services of outside counsel with respect to the following types of environmental issues: participation in voluntary remediation under the Voluntary Remediation Act, NMSA 1978, Chapter 74, Article 4G; advice concerning environmental issues relative to real property acquisitions and dispositions; advice concerning disclosure, investigation, and remedial efforts relative to the potential exposure of employees, tenants, and others to various substances; and applicability of environmental laws to land uses proposed in land use applications submitted to Santa Fe County under its zoning and subdivision ordinances.

Question 6: *Please provide more information regarding Health Care issues on which outside counsel may be asked to provide legal services.*

Answer: Santa Fe County anticipates potentially seeking advice on the following health care issues: compliance with HIPAA and State confidentiality statutes; contracts with health care professionals providing health care services to the community, inmates at the Adult Detention Facility, and juveniles confined at the Youth Development Program; and issues arising under the Indigent Hospital and County Health Care Act, NMSA 1978, Chapter 27, Article 5.

Question 7: *Will the County consider alternative cost proposals rather than hourly rates?*

Answer: See Clarification No. 4 above.

Question 8: *What if our firm has different hourly rates for different practice areas?*

Answer: See Clarification No. 4 above.

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Please add this Addendum No. 1 to the RFP. This and any subsequent addenda are considered part of the contract documents. Sections or portions of the RFP that are unaffected by this Addendum will remain in full force and effect. Proponents are reminded that any questions or requests for clarification must be addressed exclusively to Senior Procurement Specialist Maricela Martinez at mcmartinez@santafecountynm.gov.