

Legal RFP Submitted Questions – December 12, 2019

1. Has the Authority adopted all policies and procedures necessary to function as a quasi-public State authority or will the Legal Counsel be expected to draft and assist in implementing the policies and procedures? Examples include policies relating to: procurement, anti-discrimination and anti-harassment; gifts; vacation and sick time; Board and Committee meetings, etc.

*The Policies and Procedures will not need legal service drafting or implementation. There may occasionally be interpretation questions or a review of proposed amendments in the day-to-day course of business.*

*This contract will not utilize legal services to draft board and committee meeting agendas, resolutions or minutes.*

2. Will the Legal Counsel be expected to participate in any ongoing investigations by the General Assembly, the State auditors, or any other federal or state official or agency or any related court proceedings, if any?

*No, except to the extent legal questions arise in regard to these investigations. There are currently no legal proceedings related to past concerns regarding the authority*

3. Is the Authority currently involved in any litigation that Legal Counsel would be expected to oversee?

*No, but the Legal Counsel would help oversee any future proceedings. A separate procurement for outside counsel would be undertaken in regard to litigation matters of any significance,*

4. How many employees does the Authority expect to employ over the next 3 years? Are such employees expected to maintain status as State employees?

*Employees of the Port Authority are not state employees and are not unionized.*

5. Does the Authority have any outstanding matters relating to environmental concerns at property owned by the Authority?

*No*

6. Does the Authority have any pending labor or employment claims stemming from employment contracts or union agreements?

*No pending claims. No employment contracts and the employees aren't union. The Legal Counsel would handle day to day employment issues that may arise, with separate outside legal counsel likely brought in for complex matters.*

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7. Does the Authority have any current plans to acquire any additional real estate?

*No*

8. The RFP contemplates a flat rate monthly retainer to be charged by Legal Counsel based on hours worked per month. Would Legal Counsel be compensated at an hourly rate for services performed beyond the monthly number of hours tied to the monthly flat fee?

*The flat hour/retainer fee was intended as a monthly average. The parties will negotiate a process to periodically review the hours worked (e.g. quarterly) and potentially make adjustments in the hours or tasks assigned.*

9. Can you provide a range of the amount that providers of legal services have billed the Port Authority and/or a range the Port Authority has paid for the services described in your RFP over the past five years?

*The Port Authority has only been in existence for 3.5 years. The Port Authority anticipates different needs and is seeking a new approach to legal services going forward. Please provide your firms response specific to the services described within the RFP.*

10. Will there be an opportunity for the parties to the contract to renegotiate the retainer fee if there is significantly more (or less) work than was originally anticipated?

*See response to Question 8.*

11. What is the volume and general categories of litigation the Port Authority currently has pending and where is the litigation venued?

*No current litigation.*

12. If our firm is adverse to certain state agencies in a given matter, would a waiver be required in order for us to represent the Port Authority?

*Please disclose any and all adverse matters with state agencies, quasi entities, consultants in regards to design, permitting or environmental matters as part of this RFP.*

*A waiver would be required.*