



TRANSBAY JOINT POWERS AUTHORITY

REQUEST FOR QUALIFICATIONS No. 25-05

Construction Legal Counsel Services

October 14, 2025

QUESTIONS & ANSWERS

The following questions were received related to the above-referenced RFP. Some questions have been paraphrased to improve readability and/or to consolidate questions submitted by multiple respondents on the same topic:

1. **Question:** Does the requirement that all attorneys be active members in good standing with the State Bar of California (MQ #1) apply to every proposed team member, or only to the lead attorney?

Answer: All attorneys on the team proposed to be assigned to represent the TJPA must be active members, in good standing, with the State Bar of California and licensed to practice law before the state courts of California.
2. **Question:** For MQ #2, must all proposed team members individually have at least ten (10) years of experience within the last fifteen (15) years advising public agency clients on construction of public works projects in California (both transactional and litigation), or can this experience be demonstrated collectively by the team?

Answer: The lead attorney proposed to be assigned to the matter must have at least ten (10) years of experience within the last fifteen (15) years advising public agency clients on construction of public works projects in California, both transactional and litigation; other, junior team members may have less experience. Please see Addendum 1 for revisions to Section 4, which clarifies the minimum requirement related to experience.
3. **Question:** With respect to MQ #1, can a proposer still meet the requirements if they are barred in Oregon and Washington but not in California?

Answer: No.
4. **Question:** With respect to MQ #2, does the 10 years of experience need to be specific to public works construction projects in California or would general construction experience work?

Answer: The 10 years of experience specified in MQ #2 must be specific to construction of public works projects in California.

5. **Question:** Re MQ#1 We note the requirement all attorneys proposed to be assigned must be active members, in good standing with the State Bar of California. However, we also note a portion of the scope relates to compliance with federal laws. Is it permitted for attorneys advising on federal law issues to be licensed in other states and not California?

Answer: No.

6. **Question:** Re MQ#2 We note the requirement all team members must have at least ten (10) years of experience within the last fifteen (15) years advising public agency clients on construction of public works projects in California, both transactional and litigation. We anticipate the proposed team for the scope of services would include lead attorneys who meet MQ#2, however we would also expect to use associates for appropriate tasks for maximum efficiency. Please confirm whether associates or other staff members not meeting MQ#2 can be included provided lead team members meet MQ#2.

Answer: See answer to Question #2. The lead attorney proposed to be assigned to the matter must have at least ten (10) years of experience within the last fifteen (15) years advising public agency clients on construction of public works projects in California, both transactional and litigation; other, junior team members may have less experience.

7. **Question:** Re Fee Proposal – We note the requirement to provide a total proposed budget (or not to exceed amount) for performing the services, however we note that this is very challenging to provide due to variables such as (i) timeline and assumptions for each project; (ii) number and nature of projects (including claims, agreements etc); (iii) confirmation of precedent documents; (iv) roles and responsibilities between counsel and Transbay team (including technical advisors) etc. Based on the evaluation criteria relates to rates, would Transbay consider allowing teams to provide rates at this stage and to provide more detailed estimates on a task basis as the scope of services is better understood?

Answer: Please see Addendum 1 for revisions to Section 5.2 Fee Proposal for the instructions on how to complete Attachment 3 – Fee Proposal. Please also see the Attachment 3 – Fee Proposal Form – Revised, which removes the need to submit estimated hours, as well as other revisions stated in Addendum 1.