

AMENDMENT OF SOLICITATION / MODIFICATION OF CONTRACT			1. Solicitation Number CFOPD-24-R-040		Page of Pages		
					1	1 (with attachments)	
2. Amendment/Modification Number Amendment No. 2		3. Effective Date See Box 16C		4. Requisition/Purchase Request No.		5. Solicitation Caption Bond Counsel Services	
6. Issued by: Code Office of the Chief Financial Officer (OCFO) Office of Contracts 1100 4 th Street SW Suite E620 Washington, DC 20024				7. Administered by (If other than line 6)			
8. Name and Address of Contractor (No. street, city, county, state and zip code) ALL POTENTIAL OFFERORS Code Facility							
				9A. Amendment of Solicitation No. CFOPD-24-R-040			
				9B. Dated (See Item 11) August 7, 2024			
				10A. Modification of Contract/Order No.			
10B. Dated (See Item 13)							
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended. <input checked="" type="checkbox"/> is not extended. Offers 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 completing Items 8 and 15 and returning a <u>1</u> written copy of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) BY separate letter or fax which includes a reference to the solicitation and amendment number. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS 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 may be made by letter or fax, provided each letter or telegram makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. Accounting and Appropriation Data (If Required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14							
A. This change order is issued pursuant to (Specify Authority):							
B. The above numbered contract/order is modified to reflect the administrative changes.							
C. This supplemental agreement is entered into pursuant to authority of:							
D. Other (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not <input checked="" type="checkbox"/> is required to sign this document and return 1 copy to the issuing office.							
14. Description of Amendment/Modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible.) <div style="text-align: center;"> <p>The above referenced solicitation to provide Bond Counsel Services is hereby amended to provide the OCFO responses to Offeror questions as set forth in Attachment A and changes to the Solicitation as set forth in Attachment B.</p> <p>ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED</p> </div>							
Except as provided herein, all terms and conditions of the document is referenced in Item 9A or 10A remain unchanged and in full force and effect.							
15A. Name and Title of Signer (Type or print)				16A. Name of Contracting Officer Dorothy Whisler Fortune, Esq., CPPO, Drakus Wiggins, CPPB, CPPO or Anthony A. Stover, CPPO			
15B. Name of Contractor		15C. Date Signed		16B. District of Columbia		16C. Date Signed	
(Signature of person authorized to sign)				(Signature of Contracting Officer)		August 21, 2024	

Amendment 2 – Attachment A

CFOPD-24-R-040 – Bond Counsel Services

Set forth below are the District’s responses to Offeror question(s):

Question 1. Regarding Pricing and evaluation of Pricing:

- As to the instructions and price schedule tables set forth in Section B.5, please confirm that only a single Professional Category (i.e. Partner, Counsel, Associate, Paralegal, etc.) should be listed per Contract Line-Item Number (CLIN), and the hourly rate per Professional Category, for the base year and four option years, as opposed to a single flat rate for all Professional Categories per year.
- Please explain the formula for determining (based on the price schedule tables) the “blended rate” referenced in Section M.3.2 and used in determining the lowest price proposal for scoring purposes.
- Please explain how “weight” will be determined under the formula in Section M.3.2, to apply points proportionately to the higher blended rates.

Response 1. **Yes, only one professional category per CLIN. For instance, if you decide to do two (2) categories i.e. “Partner” and “Counsel” you should have two CLINs for each period.**

The blended rate will be the average of the hourly rate for each category. For instance, if there are three (3) labor categories and the hourly rates are 500, 700, and 300 respectively, the blended hourly rate that will be used in the evaluation will be \$500 $((500 + 700 + 300) / 3)$.

The “weight” is based on the maximum points available which is 20 points. Based on the formula provided the lowest price provided will be awarded the full 20 points. All other pricing will be proportionate to the lowest price provided and multiplied by the maximum points available i.e. “weight”.

Question 2. Regarding the Automobile Liability Insurance coverage requirements in Section I.30.A.2, such requirements are not accurate for our policies. These types of coverages are afforded to “owned vehicles” and since our firm does not own any vehicles, the policy does not and cannot currently provide this coverage. Please confirm that, given these facts, the District is amenable to a waiver of this requirement. Note that we have received a similar waiver pursuant to Contract Number DCEB-2023-D-0007-A03 currently in effect with the Deputy Mayor for Planning and Economic Development.

Response 2. **This can be considered during negotiations.**

Question 3. Regarding the Carrier Ratings requirements in Section I.30.J, our carrier, ALAS, does not have an AmBest rating, but they do have a Fitch rating of A (which is an equivalent rating). Please confirm that the Fitch rating will qualify ALAS per the requirements of section I.30.J.

Response 3. **This can be considered during negotiations.**

Question 4. Regarding the request in Section L.3, please confirm that the Offeror is required to provide only one of the following: **either** (a) the Offeror's DUNS Number **or** (b) the Offeror's recent financial statements **or** (c) the Offeror's most recently submitted IRS tax filing. Alternatively, If the District is requesting that the Offeror provide its DUNS Number, **plus** their choice of financial statements or IRS tax filing, will the District again allow for the Offeror to provide inspection of their financial statements, if and when requested, as was granted per Amendment No. 2, dated March 27, 2019, in connection with Solicitation Number CFOPD-19-R-031? A copy of such amendment No. 2 is attached hereto for ease of reference. At your request, we are happy to provide additional background and supporting information related to our prior and current request to allow inspection.

Response 4. **The Offeror is only required to provide one (1) of the requested items to demonstrate financial strength.**

Question 5. Regarding the language in Section L.3.2.II.a, please confirm that it should read "Provide a description of the Offeror's general experience in **Bond Counsel** service" (as opposed to Disclosure Counsel)? Further, Section L.3.2.III.a appears to be duplicative of Section L.3.2.II.a. Should this item be reserved?

Response 5. **See revisions to the solicitation via Attachment B.**

Question 6. Regarding the updated requirements in Section L.3.23.III.b.vi to provide specific information regarding the description of work performed for clients identified in the reference list of contracts, please provide clarity and more specificity around precisely what information is expected to be provided, and in what format (narrative vs. brief list), for each of the following, per identified client: (1) Technical Expertise, (2) Experience/Organization and (3) Past Performance.

Response 6. **The Offeror can decide how to provide the information but at a minimum it should contain the information required in i through vii.**

Question 7. Regarding the intended number of awards set forth in Section M.1.1, is it correct that the District only intends to award a contract to one (1) law firm to serve as bond counsel, as opposed to the past practice of awarding up to five (5) contracts, pursuant to this solicitation?

Response 7. **See revisions to the solicitation in Attachment B.**

Question 8. II. Section: Technical Expertise and III. Section: Experience and Past Performance reference disclosure counsel rather than bond counsel. Could you please confirm that the expertise we should be focused on is bond counsel services?

Response 8. **Expertise should be focused on Bond Counsel Services. See revisions to the solicitation in Attachment B.**

Question 9. Attachment J.3, Past Performance Evaluation Form is requested to appear in the Technical Proposal and the Attachments document submission. Could you please confirm you would like these forms in both submission documents?

Response 9. **Please include Attachment J.3 Past Performance Evaluation as part of your attachments per Section L.3.5.**

Question 10. Attachment J.6 Bidder/Offer Certifications is an excel spreadsheet but requested within the Attachments document. Would the District prefer it be uploaded separately or converted to a PDF to be included in the Attachments document?

Response 10. **Please upload the Attachment J.6 Bidder/Offer Certification as a PDF and include it as part of your attachments.**

[End of Attachment A]

Amendment 2 – Attachment B

CFOPD-24-R-040 – Bond Counsel Services

Set forth below are the District’s revisions to the Solicitation:

1. Delete Section L3.2.II (a) in its entirety and replace as follows:

Provide a description of the Offeror’s general experience in Bond Counsel services.

2. Delete paragraph (a) Section III: Experience and Past Performance and replace as follows:

(a) RESERVED

3. Delete in its entirety Section M.1.1 Evaluation for Award and replace as follows:

The District intends to award multiple contracts to the responsive, responsible Offerors whose offer is most advantageous to the District, based upon the evaluation factors specified below. Thus, while the points in the evaluation factors indicate their relative importance, the total scores will not necessarily be determinative of the award. Rather, the total scores will guide the District in making an intelligent award decision based upon the evaluation factors that consists of a combination of experience and qualifications, pricing, and ability to meet the needs of the District.

[End of Attachment B]