

**RFP# 19-305-0000-0000001**

**Questions & Answers**

- 1) Section IV.B.1.g asks a responding law firm to provide a “list of all the major private clients that the law firm represents or has represented in the last five years...” Can you provide any definition, or guidance, on what qualifies a client as a “major private client” such that it would need to be identified?

--> The OAG offers the following factors in helping to define a “major private client”:

1. A client that operates in multiple states
2. A client with expansive name recognition
3. A client that is a publicly traded corporation
4. Any single client which amounts to more than 25% of your firm billings
5. A client with substantial interaction with state or federal government entities

- 2) Section IV.B.1.o asks a responding law firm to identify “all cases related to the relevant legal services contained in this RFP in which attorneys from your law firm have appeared..” Is there any temporal litigation we should be mindful of when providing this information – for example, should we list matters that are 10, 20, or 30 years old? Should matters be listed if the attorney who was involved in the matter is no longer with the firm?

→ Ten years is a relevant time period within which to report

→ Yes, even if the attorney is no longer with the firm, litigation should be identified

- 3) Section III.C.1 of the RFP requires us to submit, as part of our response, a separate binder for “Financial Information,” but section III.B.1 (Number of Copies) does not state how many copies of the Financial Information binder must be submitted. Do we need to submit an original, four hard copies and one electronic copy of the Financial Information, as required for the Technical Proposal?

→ Yes, Four hard copies should be provided for the Financial Information binder – an electronic copy is not necessary for financial information

- 4) Paragraph 2 of the Sample Contract states that the Agency will provide assistance to the contractor in requesting and obtaining from the court such attorneys’ fees and costs, including endorsing pleadings requesting payment of such reasonable compensation. Is there a particular percentage-of-recovery or multiplier on attorney/staff time that the Agency endorses? Or does the Agency simply endorse reasonable percentages-of-recovery or multipliers commonly awarded by New Mexico courts.

→ The Agency utilizes a load-star method for computing attorney’s fees, defined by New Mexico Courts

- 5) Section IV(B)(3)(f) of the RFP also states that “the law firm shall be entitled to petition the courts for its reasonable attorney fees . . . to be awarded to the law firm by the court from monies paid by the defendants that may be deposited into the registry of the court in which the litigation is

pending.” (Emphasis added.) To clarify, would any fees and costs awarded by a court be paid out of the recovery to New Mexico or be paid by a defendant separate and apart from that recovery to New Mexico?

→ Attorneys’ fees and costs are awarded by the court, separately from New Mexico’s recovery