

ADDENDUM NO. 1 TO REQUEST FOR QUALIFICATIONS FOR SPECIAL COUNSEL FOR E-CIGARETTE LITIGATION (the "RFQ") AND RESPONSES TO QUESTIONS AND ANSWERS

DATE ISSUED: September 12, 2019

ORIGINAL QUESTION & ANSWER CUT-OFF DATE: September 19, 2019

PROPOSALS DUE: October 3, 2019

**ADDENDUM NO. 1**

1. The new deadline for potential bidders to electronically submit questions pertaining to this RFQ shall be 3:00 p.m. on Monday September 30, 2019. For instructions on how to submit questions, please see Section 6.2 of the RFQ.

**QUESTIONS & ANSWERS**

**Question 1:** Please confirm the RFQ # for this proposal as well as the deadline for submission.

**Answer to Question 1:** There is no RFQ number. This RFQ is referred to as the "Request for Qualifications for Special Counsel for E-Cigarette Litigation." The deadline for submitting a proposal in response to this RFQ is 3:00 p.m. on October 3, 2019.

**Question 2: Should a responding law firm propose a contingency fee% in its response?**

**Answer to Question 2:** As it is anticipated that fees for the term of the Special Counsel designation and any retention as a result of the designation based upon this RFQ will be based on a contingency fee percentage of the dollars recovered in the assigned litigation, subject to appropriation, a responding law firm should propose a contingency fee percentage in its response to this RFQ.

**Question 3: Is the AG's Office open to receiving a joint proposal from two law firms that desire to partner with one another in providing representation to the State in litigation [sic] covered by the RFQ?**

**Answer to Question 3:** Yes, joint proposals will be considered provided that each responding firm individually provide the all the information required by the terms of the RFQ.

**Question 4: Can you email a copy of the Outside Counsel Diversity Questionnaire? The copy on the website is difficult to read.**

**Answer to Question 4:** Another copy of the Outside Counsel Diversity Questionnaire (Exhibit C to the RFQ) is attached to this Addendum and Responses to Questions and Answers.

**Question 5: Regarding the employee wage and demographic information required by the Diane B. Allen Equal Pay Act, as described in Section IV.C of Exhibit A (Additional Terms) to the RFQ, please specify whether this information will be subject to public disclosure and, if so, under what circumstances.**

**Answer to Question 5:** As noted in Section 6.5 of the RFQ, all documents and information submitted in response to this RFQ generally shall be made available to the general public as required by applicable law. Furthermore, the Commissioner of the Department of Labor and Workforce Development is required by the Diane B. Allen Equal Pay Act to retain the information required to be reported under that Act, and to make such information available to the Division of Civil Rights, and, upon request, to employees and their authorized representatives. For further information see <https://nj.gov/labor/equalpay/equalpay.html>.

**Question 6: Regarding the proposal evaluation and ranking process described in Sections 10.3 and 10.4 of the RFQ, please indicate (a) whether and how the criteria are weighted and (b) what metrics, if any, are used to score each evaluation criterion.**

**Answer to Question 6:** The Division of Law and Office of the Attorney General decline to disclose this information.

**Question 7: Would you be able to advise if there is a particular format that the printed copy must follow or is it acceptable for the hard copy to be a binder with exhibit tabs? I did not see any sections regarding the type of paper and binding that is preferred when submitting proposals and responses to the RFQ.**

**Answer to Question 7:** There is no particular or preferred format for the submission of proposals.

**Question 8: May a New Jersey based Law Firm submit a RFQ where it is participating with a National Firm with extensive experience in the scope of work as a Joint Venture type situation?**

**Answer to Question 8:** Yes. Please also refer to the "Answer to Question 3" above.



**OFFICE OF THE ATTORNEY GENERAL**  
**DEPARTMENT OF LAW AND PUBLIC SAFETY**  
**2018 OUTSIDE COUNSEL DIVERSITY QUESTIONNAIRE**

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The Office of the Attorney General/Department of Law and Public Safety recognizes diversity and inclusion as a core value that strengthens our ability to serve the people of New Jersey. We believe that an analysis of the participation and roles of certain groups that have historically been underrepresented in the legal profession is of particular importance to the Department. To that end we are asking the private practice law firms that we engage to complete this survey, so that we may benchmark and track information about diversity and inclusion among our outside counsel.

**INSTRUCTIONS:**

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1. **Applicable Period.** Except as otherwise noted, please provide information limited to your law firm's New Jersey Based Attorneys, current as of **January 01, 2018**
2. **Voluntarily Self-Reported Data Only.** All categories of reporting in this survey are limited to information that has been voluntarily self-reported to your firm by your firm's attorneys whereby they identify themselves as being within a particular demographic group ("**Identify**"), i.e. Gender, Race or Ethnicity categories, LGBTQIA, or having a Disability.
3. **Race/Ethnicity.** For ease of reporting, the race and ethnicity categories requested in the chart below are consistent with the categories established by the United States Equal Employment Opportunity Commission for mandatory reporting by certain employers. Detailed descriptions of the relevant Race/Ethnicity categories are available via <https://www.eeoc.gov/employers/eo1survey/2007instructions.cfm>
4. **LGBTQIA.** The category "**LGBTQIA**" in the chart below refers to individuals who Identify as lesbian, gay, bisexual, transgender, queer/questioning, intersex or asexual.
5. **Disability.** The category "**Disability**" in the chart below refers to individuals who Identify as having a Disability. As used herein, "**Disability**" with respect to an individual is defined consistently with 28 CFR 35.108(a)(1)(i): "a physical or mental impairment that substantially limits one or more of the major life activities of such individual."
6. "**New Jersey Based Attorneys**" means attorneys who are based in New Jersey who have an ownership interest in and/or who are employed by your law firm. Do not include temporary, *per diem* or contract attorneys in your responses. For the purposes of this definition, "**based in New Jersey**" means that the primary workplace location for the attorney is New Jersey, *i.e.* the law firm office where the attorney performs the greatest amount of work time, as compared with any other of your law firm's offices, is located in New Jersey.
7. **Multiple Categories.** If an attorney fits more than one of the requested categories, please count such individual in all of the applicable categories.

8. **Numerical Data Responses.** Please provide numerical data in response to the charts, entering “0” where the number is zero. If the requested information is not applicable to your firm, please enter “N/A” as your response.
9. **Definitions.** As used herein:
- a. **“Equity Partner”** means an attorney who has the title Partner, Shareholder, Member, Principal or another similar title, who has an ownership interest in the law firm.
  - b. **“Non-Equity Partner”** means an attorney who has the title Partner, Shareholder, Member, Principal or another similar title, who is employed by the firm but has no ownership interest in the law firm.
  - c. **“Counsel”** means an attorney who has the title of Counsel, Senior Counsel, Of Counsel, Special Counsel, Senior Attorney, or another similar title and is not an associate, Equity Partner or Non-Equity Partner, and who is a permanent, salaried employee of the firm and not a temporary or contract attorney.
  - d. **“Associate”** means an attorney who has the title of Associate, Attorney, or other similar title, and is not an Equity Partner, Non-Equity Partner or Counsel.
  - e. **“Minority-Owned Firm”** means your law firm is at least 51 percent owned, controlled, operated, and managed by an individual or individuals who are **“minority group members,”** as such term is defined by the National Minority Supplier Development Council (see, <http://www.nmsdc.org/mbes/what-is-an-mbe/>)
  - f. **“Women-Owned Firm”** means your law firm is at least 51 percent owned, controlled, operated, and managed by a woman or women.

## GENERAL FIRM INFORMATION

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1. Firm Name: \_\_\_\_\_
2. Name of Head of Firm (e.g. Managing Partner, Chairperson) \_\_\_\_\_
3. Person Responsible for Completion of Survey  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_
4. Please indicate the number of attorneys employed by your law firm on a full-time basis
  - a. Firm-wide: \_\_\_\_\_
  - b. In the US: \_\_\_\_\_
  - c. In New Jersey: \_\_\_\_\_
5. Is your law firm Minority-Owned?       YES       NO
  - a. If yes, please indicate if it is certified as such?       YES       NO
  - b. If yes, please list the name of the certifying entity: \_\_\_\_\_
6. Is your law firm Women-Owned?       YES       NO
  - a. If yes, please indicate if it is certified as such?       YES       NO
  - b. If yes, please list the name of the certifying entity: \_\_\_\_\_

# DEMOGRAPHIC INFORMATION

Please provide the information sought in the chart below.

JOB TITLE	RACE or ETHNICITY							GENDER		LGBTQIA	DISABILITY	TOTAL
	Hispanic or Latino	White	Black or African American	Asian	Native American or Alaskan Native	Two or More Races	Unknown	Women	Men			
<b>ALL ATTORNEYS FIRM-WIDE – # of NJ Based Attorneys who held the following positions as of January 1, 2018</b>												
EQUITY PARTNERS												
NON-EQUITY PARTNERS												
COUNSEL												
ASSOCIATES												
<b>FIRM LEADERSHIP – # NJ Based Attorneys who served in leadership positions as of January 1, 2018</b>												
MANAGEMENT COMMITTEE (or top firm governing committee)												
ATTORNEYS IN-CHARGE OF FIRM OFFICES (for firms having multiple offices)												
DEPARTMENT HEADS (for firm-wide departments that include multiple practice groups and/or offices)												
PRACTICE GROUP LEADERS (for specialized areas of practice within larger departments)												
FIRM OFFICE LEADERS (local departmental or practice group)												
FIRM-WIDE COMMITTEE HEAD (top-most committee leadership role)												
PARTNER COMMITTEE (decides entry to partnership)												
COMPENSATION COMMITTEE (decides attorney compensation)												
HIRINGPARTNER(S) (final decision-making authority for new attorney hiring)												

JOB TITLE	RACE or ETHNICITY							GENDER		LGBTQIA	DISABILITY	TOTAL
	Hispanic or Latino	White	Black or African American	Asian	Native American or Alaskan Native	Two or More Races	Unknown	Women	Men			
<b>PROMOTIONS – # of NJ Based Attorneys who were promoted during the 1-year period ending January 1, 2018</b>												
ASSOCIATE TO EQUITY PARTNER												
ASSOCIATE TO NON-EQUITY PARTNER												
ASSOCIATE TO COUNSEL												
COUNSEL TO EQUITY PARTNER												
COUNSEL TO NON-EQUITY PARTNER												
<b>ATTRITION – # of NJ Based Attorneys who left the firm (whether voluntarily or otherwise) during the 1-year period ending January 1, 2018</b>												
EQUITY PARTNERS												
NON-EQUITY PARTNERS												
COUNSEL												
ASSOCIATES												
<b>NEW HIRES – # of NJ Based Attorneys who were hired by the firm during the 1-year period ending January 1, 2018</b>												
EQUITY PARTNERS												
NON-EQUITY PARTNERS												
COUNSEL												
ASSOCIATES												
<b>PART TIME ATTORNEYS – # of NJ Based Attorneys who regularly worked on a part-time schedule during the 1-year period ending January 1, 2018</b>												
EQUITY PARTNERS												
NON-EQUITY PARTNERS												
COUNSEL												
ASSOCIATES												