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STEVE HEMINGER
Executive Director

ANDREW B. FREMIER
Deputy Executive Director

October 12, 2009

Addendum #1 to
REQUEST FOR QUALIFICATIONS
Public-Private Partnership Consultant and Legal Services Assistance
Dated September 29, 2009

Dear Consultant/Law Firm:

This letter is Addendum No. 1 to the Request for Qualifications (RFQ) dated September 29, 2009, inviting consultants and law firms to submit a Statement of Qualifications (SOQ) to provide consultant assistance and/or legal services to BATA in the evaluation of opportunities for public-private partnerships (P3) to assist in the development and implementation of transportation projects throughout the region.

Where text is revised, deleted text is shown in strike-through format; added text is *italicized*. The RFQ is revised as follows:

Addendum Item	Reference	Change(s)
1	New Section:	***Minimum Qualification for Law Firms or Teams:*** In order to be considered responsive to this RFQ, each law firm or team submitting an SOQ for P3 legal services must include a member of the California State Bar qualified to advise BATA on P3 legal issues under California law. This requirement can be met by the principal firm, another team member, or an arrangement with local counsel.
2	New Section:	***Restriction on Participation in P3 Implementation*** The purpose of the RFQ is to obtain consultant and legal assistance in the evaluation of P3 transportation project opportunities. Firms selected to perform work under the RFQ who have been placed under contract with BATA are not eligible for consideration as contractors or subcontractors for any P3 transportation projects implemented by BATA. Firms who have been placed on a panel of pre-qualified firms, but who have not entered into a contract with BATA, may withdraw from the panel, and this restriction will not apply.

JOSEPH P. BORT METROCENTER | 101 EIGHTH STREET | OAKLAND, CA 94607-4700
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Addendum Item	Reference	Change(s)
3	**Scope of Work and Budget,** page 3, paragraph 2:	Contracts with individual consultants or law firms may range in size from $10,000 - $300,000 per contract year. *(This range is BATA's best estimate of its requirements under this RFQ; it is not intended as a limitation on BATA's contracting ability, should P3 transportation projects require additional consultant assistance.)* The total budget by fiscal year will be established in each annual agency budget.
4	**Form of Statement of Qualification,** page 4, Item 2 and new Item 8	2. A brief company profile and summary of the firm's qualifications in relation to the project areas of expertise. The summary should include a brief history of the firm's experience in acting as an advisor to governments or private entities in transportation based financings and P3s. *For law firms or teams, this section must identify team members or local firm affiliations that satisfy the RFQ requirement that a member of the firm or team be a member of the California State Bar qualified to advise BATA on P3 legal issues under California law.* 8. *For consultant or law firm teams: a description of the management plan under which input from subconsultants or affiliated firms would be integrated into the team's advisory services.*
5	**Evaluation Factors,** page 4:	The SOQs for consultant services will be reviewed by an evaluation team consisting of staff from MTC and BATA. The SOQs for legal services will be evaluated by the BATA Office of General Counsel. All SOQs will be evaluated based on the following criteria, in relative order of importance: • Demonstrated ability, based on an assessment of overall firm and staff experience and the specific experience of the proposed team *members*, to provide consultant assistance or legal services for one or more of the applicable services listed in this RFQ and identified in the firm's SOQ. Firms do not need to have experience in all of the services. • ~~Availability of staff resources to work on multiple projects at the same time.~~ • *Depth and breadth of experience in relation to the subject matter for which the firm or team seeks to provide consultant assistance or legal services and availability of staff resources to work on multiple projects at the same time. For teams: the suitability of the management plan.* • Hourly rates of key personnel *and cost effectiveness of management plan (for teams).* • Quality of SOQ content and presentation.

The remaining provisions of the RFQ, dated September 29, 2009, remain unchanged. In the event of a conflict between this addendum and the original RFQ, this addendum shall take precedence.

Sincerely,

Steve Heminger
Executive Director

SH: MJM:CC
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