



County of Allegheny

RICH FITZGERALD
COUNTY EXECUTIVE

DEPARTMENT OF ADMINISTRATIVE SERVICES DIVISION OF PURCHASING AND SUPPLIES

REQUEST FOR QUALIFICATIONS (“RFQ-8002”) FOR SPECIAL LEGAL COUNSEL FOR OPIOID LITIGATION

RFQ RESPONSE DUE DATE: MONDAY, JANUARY 29, 2018, 3:00 P.M., EST

RFQ SUBMITTAL:

All Responses to this RFQ must be submitted electronically via the Public Purchase System. No submissions shall be accepted in person, by U.S. Mail, by private courier service, via oral or email communication, telephone or fax transmission.

**John Deighan
Chief Purchasing Officer
412-350-4495**

John.Deighan@AlleghenyCounty.US

INTRODUCTION

The County of Allegheny (“the County”) invites interested attorneys and law firms (hereinafter referred to variously as “Law Firm” or “Law Firms”) to present their qualifications to serve as special counsel to the County (“Special Counsel”), and if selected, (1) determine the costs the County has incurred as a result of the manufacture, distribution, prescription, use and/or abuse of opioids; and (2) investigate and, if appropriate, commence and prosecute litigation against manufacturers, distributors and/or prescribers of prescription opiates for damages to the County arising out of marketing, manufacturing, distribution and/or prescribing of opiates.

All information requested and provided as part of this RFQ will be used for information purposes only and does not constitute an offer or acceptance of any kind.

OBJECTIVE OF THIS RFQ

The County seeks to retain the services of a Law Firm with specialized legal expertise to act as Special Counsel to investigate and pursue litigation against manufacturers, distributors and/or prescribers of prescription opioids. If selected, this Special Counsel will first determine the economic impact that prescription opioids have had on the Allegheny County and its residents.

Based upon an examination and assessment of that evidence, the Special Counsel will inform and advise the County, through the County Solicitor (“the Solicitor”), concerning which manufacturers, distributors and/or prescribers of prescription opioids have caused significant harm in Allegheny County, and the degree to which Allegheny County may recover damages for such impacts, including assessing the legal theories and claims available.

The Special Counsel then shall recommend in a written opinion letter addressed to the Solicitor whether the County should pursue such litigation. Special Counsel must be prepared to prosecute Allegheny County’s lawsuit(s) against manufacturers, distributors and/or prescribers of prescription opioids whose actions have resulted in harm to the County not only through the trial and appellate courts, but until damages are actually recovered either by payment of the final judgment or payment of a negotiated settlement in each lawsuit against the defendant(s).

If you wish to present qualifications to be Special Counsel for Allegheny County in

litigation against manufacturers, distributors and/or prescribers of prescription opioids, please submit a written electronic response (“the Response”) to this RFQ by January 19, 2018.

MINIMUM REQUIRED QUALIFICATIONS TO RESPOND TO THIS RFQ

The County only is interested in a retaining a Law Firm as Special Counsel for Allegheny County in possible litigation against manufacturers, distributors and/or prescribers of prescription opioids who can meet the following minimum qualifications:

1. The Law Firm must have been in business at least five (5) years.
2. The Law Firm should have a team of attorneys with significant experience in the area of complex commercial litigation, preferably complex consumer fraud and unfair or deceptive trade practices litigation, and/or complex fraud and regulatory-related investigations, and/or current involvement in litigation against manufacturers, distributors and/or prescribers of prescription opioids either in other states or in other counties in the Commonwealth of Pennsylvania (“Subject Matter Areas”).
3. The Law Firm should have a lead attorney licensed to practice law with ten (10) or more years’ experience in the Subject Matter Areas.
4. The Law Firm should have experience representing governmental bodies and agencies.

TECHNICAL FORMAT AND CONTENT OF RESPONSE TO THIS RFQ

1. The Law Firm must submit a transmittal letter and a Response to the RFQ. The transmittal letter shall briefly summarize the Law Firm’s interest in serving as Special Counsel to the County. The transmittal letter also must clearly state and justify any exceptions to the requirements of the RFQ, which the Law Firm may have taken in presenting the Response. The County reserves the right to deny any and all exceptions taken to the RFQ.

2. The Response submitted to this RFQ should be prepared in a concise manner and provide the following information in the order listed below.

B. General Experience and Information Concerning the Law Firm:

1. Provide general information about your Law Firm – Number of years in existence, number of attorneys, areas of expertise, financial and manpower support capacity, etc.

2. Within the past three years, have there been any significant developments in your Law Firm such as changes in ownership or restructuring? Do you anticipate any significant changes within the next five (5) years? Please describe.

3. Describe the on-line services, publications and other resources maintained by your firm dealing with the Subject Matter Areas, including subscription services and periodicals.

4. Has your firm or an attorney in your firm's employ who would have any involvement with the possible provision of legal assistance, advice, or representation contemplated by this RFQ ever been disciplined or censured by any regulatory body? If so, describe the principal facts.

5. Within the last five (5) years, has your Law Firm, or a partner or attorney in your Law Firm, been involved in litigation or other legal proceedings relating to provision of legal services? If so, provide a brief explanation and indicate the current status or disposition.

6. List all current litigation(s) in which your firm is a defendant. Provide a brief explanation and indicate the current status or disposition.

7. Does your Law Firm represent any other states or governmental entities? If so, list the entity, and provide a contact and telephone number.

8. Please describe your Law Firm's backup procedures in the event one or more attorneys assigned to a matter contemplated by this RFQ leave the firm.

9. Describe your Law Firm's disaster recovery plan and facilities.

B. Subject Matter Areas Experience:

1. Provide a detailed description of the Law Firm's experience in the Subject Matter Areas, including identification of the approximate number of engagements involving the Subject Matter Areas during the last five (5) years. Of those engagements, the Law Firm should select no more than five (5) illustrative matters and provide the following information:

- a. Nature of the matter and the Law Firm's role;
- b. The year and the approximate dollar amount of the claim;
- c. Status of case and range of responsibilities; and
- d. Disposition of case, and if relevant, a description of damages negotiated/awarded or other relief obtained.
- e. Company/agency/department/office to which legal services were provided, including contact information and email address, to be used as reference verification.

2. Provide a brief description of areas of the law in which your Law Firm has an expertise or your Law Firm's involvement in other cases which would have a significant relationship to the objective of this RFQ.

C. Team Qualifications:

1. Provide a detailed description of the team that would provide services identified in this RFQ and include the following information:

a. The identity of the individuals, the areas of law in which each specializes and the type of related transactions and/or litigation which the attorney has handled, the number of years of experience in such areas, and the extent to which each has analyzed laws, provided advice, and conducted investigations and litigation on issues relevant to the objective of this RFQ.

b. Résumés of each member of the team, attached to the Response, as Appendix A.

c. The courts in which each is admitted to practice, the year of admission, and the location of the principal place or places of business, if not included on a résumé.

2. Provide information concerning the qualifications of any law firms or consultants that your Law Firm intend to associate and how they will help obtain the desired outcomes. Include their ability, capacity, skill and number of years of experience in providing the necessary services.

3. Is your Law Firm, or any law firm you intend to associate for possible litigation against manufacturers and distributors of prescription opioids, or any consulting firm that your Law Firm intends to employ for possible litigation against manufacturers, distributors and/or prescribers of prescription opioids, a Small Business, a Minority and Women Business or a Veteran Owned Business?

D. Possible Litigation Approach and Process:

1. Please describe what information that your Law Firm needs from the County to determine whether litigation should be initiated against manufacturers, distributors and/or prescribers of prescription opioids. How do you propose to acquire this information from the County?

2. Identify potential issues/challenges your Law Firm foresees in completing litigation against manufacturers, distributors and/or prescribers of prescription opioids, including collecting judgments, if selected as Special Counsel.

E. Conflicts of Interest:

1. Each Law Firm shall identify any conflicts of interest that may arise if the Law Firm is retained by the County to serve as Special Counsel and shall describe in its Response how it proposes to deal with such conflicts. Conflicts may arise not only from attorneys named in any contract between the County and Special Counsel to serve as Special Counsel as contemplated under this RFQ but also from representation of parties involved in other transactions or other matters involving the County or some other party by any other member of the Law Firm, regardless of whether that attorney is in the same office or a different office of the Law Firm.

2. The Law Firm shall describe in detail its existing system for identifying conflicts of interest in undertaking new representations. The Law Firm must include information about who maintains the records, how often the information is updated and at what stage of representation the check is made. The Law Firm shall provide a copy of its written conflicts policy or explain in detail why there is no written policy.

3. If the County retains the Law Firm, then prior to entering into any contract, the Law Firm shall provide assurances that potential conflicts have been discussed with other existing clients of the Law Firm who might be requested to engage other counsel for a specific transaction, and that those existing clients are amenable to such an inconvenience.

F. Evidence of Professional Liability Insurance:

1. The Law Firm shall describe its current professional liability insurance policies.

2. The Law Firm shall state whether it is willing to maintain in full force and effect during the term of any contract to serve as Special Counsel for the County professional liability insurance in an aggregate amount of not less than \$10 million. In order to satisfy this requirement, the Law Firm must:

a. Include a statement in its Response affirmatively responding to this requirement; and

b. Include in its Response either:

(1) A certificate of insurance or letter from its insurer demonstrating that the Law Firm meets this professional liability insurance requirement, or

(2) A commitment letter or other evidence, satisfactory to the County, that the Law Firm will have such coverage as of the date that any contract to serve as Special Counsel shall commence.

INQUIRIES

A. Inquiries Concerning The RFQ:

The only official position of the County to any inquiry will be the one stated in writing by the County Department of Administrative Services, Division of Purchasing and Supplies (“Purchasing”). If a Law Firm discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFQ, please notify the point of contact listed below **by email** and request modification or clarification of the RFQ language:

John Deighan, CPCP, Chief Purchasing Officer
Allegheny County Department of Administrative Services
Division of Purchasing and Supplies
jdeighan@alleghenycounty.us
Phone: 412-350-4495 / Fax: 412-350-5883

Please include the page number(s), and paragraph number(s) of the RFQ for quick reference to the question.

Any changes, additions, deletions, or clarifications to the RFQ are made by a written amendment called an "Addendum (or in the plural "Addenda"). All addenda will be posted by the County on the Public Purchase system and it will be the responsibility of the Law Firm to access any addenda posted or to contact Purchasing to receive a copy of the addenda. Any Law Firm in doubt as to the true meaning of any part of the RFQ may request any interpretation thereof from the Issuing Office. At the request of the Law Firm, or in the event that Purchasing deems the interpretation to be substantive, the interpretation shall be made by written addendum issued by Purchasing. Such addendum issued by the Issuing Office shall become part of the RFQ package having the same binding effect as provisions of the original RFQ. No verbal explanations or interpretations shall be binding. **In order to have a request for interpretation considered, the request must be submitted in writing via email and must be received no later than seven (7) days prior to the RFQ submission date.**

All addenda, amendments, and interpretations of this RFQ shall be in writing. Any amendment or interpretation that is not in writing shall not legally bind the County. Only information supplied by the County in writing or in this RFQ should be used in preparing the Response to the RFQ. All contact that a Law Firm may have had before or shall have after receipt of this RFQ with any individuals, employees, or representatives of the County and any information that may have been read in any news media or seen or heard in any communications facility regarding this RFQ should be disregarded in preparing a Response to the RFQ.

The County does not assume responsibility for the receipt of any addendum posted on Public Purchase or sent directly to Law Firms.

DELIVERY OF RESPONSE TO RFQ

All Responses to this RFQ are to be submitted electronically via the Public Purchase System no later than **3:00 PM EST, January 29, 2018.**

WITHDRAWAL OF RFQ AND REJECTION OF RESPONSES

The County reserves the right to withdraw this RFQ at any time and for any reason or to reject any and all Responses or to issue such clarifications, modifications, and/or amendments as it may deem appropriate. Receipt of a Law Firm's

qualifications by the County neither confers any rights upon the law firm nor obligates the County in any manner.

PROPOSAL AND PRESENTATION COSTS

The County will not be liable in any way for any costs incurred by any Law Firm in the preparation of its Response to this RFQ, nor for any presentation by it and/or participation in any discussions or negotiations.

ACCEPTANCE OF RESPONSES

The County shall accept all responses that are properly submitted. However, the County reserves the right to request clarifications or corrections to the Responses.

CONFIDENTIALITY/PROPRIETARY INFORMATION

All documents and materials submitted in response to this RFQ are subject to requests made pursuant to the Pennsylvania Right-to-Know Law (“RTKL”). If any request is received regarding this RFQ, you will be afforded the opportunity to submit justification to exempt any section you have identified in your Response as a trade secret or confidential proprietary information. The County will not accept any request by a Law Firm to declare the entire Response to the RFQ as a trade secret or confidential proprietary information. The County reserves the right to determine whether the Response will be released in whole or in part in consultation with the Law Firm in accordance with Section 707 of the RTKL.

OWNERSHIP OF RESPONSES

The County retains ownership of all Responses received as part of the RFQ. Consequently, Law Firms submitting Responses have no legal right to have their Responses returned to them.