

**Solicitation Number R-10-008-MF**  
**Legal Services for Eminent Domain and Condemnation Law**  
**Questions and Answers**  
**May 5, 2010**

1. **Question:** What is meant by the term “involved in” and “claim or litigation” in question 10(c) of the Respondent Questionnaire?

**Answer:** Question 10(c) of the Respondent Questionnaire will be revised as follows:

“Has your firm or any member of your firm been a **defendant party** to litigation with the San Antonio Water System or any other federal, state or local government or private entity during the last 10 years?”

2. **Question:** What is meant by the term “litigation” used in question 10(d) of the Respondent Questionnaire? Does the term “litigation” include administrative matters before TCEQ and Water Districts or only actual lawsuits? Please clarify.

**Answer:** Question 10(d) will be revised as follows:

“Has your firm or any member of your firm either individually or as representative of another person or entity filed a claim or lawsuit **against** the City of San Antonio, SAWS or CPS Energy within the last 10 years?”

The response should include administrative matters as well as actual lawsuits.

3. **Question:** How many “Eminent Domain & Condemnation” cases has SAWS referred to outside counsel in the last 2 years?

**Answer:** Approximately 9

4. **Question:** What hourly rate is SAWS currently paying for its legal services in the area of eminent domain and condemnation?

**Answer:** \$175 - \$225

5. **Question:** Does SAWS expect an abundance of eminent domain cases in the near future?

**Answer:** SAWS cannot predict the number of eminent domain cases required in any year although it is involved in Eminent Domain proceedings on an ongoing basis.

- 6. Question:** The RFP asks only for hourly rates. Is an hourly rate proposal the only acceptable response or would SAWS consider an alternative fee arrangement for its Eminent Domain and condemnation litigation needs?

**Answer:** As stated in Section IV(c)(v) of the RFP, in addition to the hourly rates, describe any other billing arrangements that are proposed to be utilized for the Scope of Services. Feel free to propose any alternative billing arrangements that will offer the best value to the Water System, but be sure to articulate a measurable basis upon which the compensation proposal can be evaluated. If fixed fee for service is proposed for any of the services, identify the type of service and the fee. If blended rates are being proposed for any of the services, identify the rate and anticipated allocation of work among attorneys of different experience levels.