



**Answers to Questions Posed By Potential Proposers to the
Request for Qualifications – Special Counsel**

Question 1

Regarding Section G (“References”) of Appendix 1, in the case of Power Procurement Counsel, may a load serving entity from a state other than California be substituted for the required “California JPA/municipality, county or load serving entity” reference? (In some instances, a non-California load serving entity might be able to address a firm’s power procurement experience and knowledge in greater detail than a California load serving entity. California-specific experience and understanding could then be demonstrated by the firm through a developer reference and through other portions of the Statement of Qualifications.)

Response

Proposers should list references that will confirm the Proposer’s expertise in the area for which the Proposer is submitting its statement of qualifications. EBCE will be particularly interested in talking with references that represent California public and private load serving entities to confirm compliance with California specific requirements. Additionally, EBCE as a public entity must comply with a unique set of laws that relate to public entities. References from public entities showing the Proposer’s ability to comply with and give advice consistent with the public agency constraints will be helpful.

Question 2

Regarding Section 11.3 of the Form of Legal Services Agreement, could EBCE please identify the potential circumstances in which a Special Counsel’s Assigned Employee would be required to complete and file a Form 700?

Response

Under the Political Reform Act, a consultant is required to file a Form 700 in the following circumstances:

- The services will involve the individual **Making a Governmental Decision**; or
- The services will involve the individual **Serving in a Staff Capacity** and either of the following:
 - o **Participating in Making a Governmental Decision**; or
 - o Performing the same or substantially the same duties as a regular EBCE employee who would be required to file a Form 700.

If an individual who is primarily responsible for providing the consulting services meets one of the above criteria, then that person must file a Form 700.