

BATTERY PARK CITY AUTHORITY

Project: Request for Proposals for Legal Services (the "RFP")

Date: November 4, 2016

RE: Addendum #2

Total Pages: 5

1. *Section VI. C 2) "Response to the question regarding the use of New York State businesses set forth in Section IX." In reviewing Section IX, I do not find any question being presented; except for the evaluation criteria H). I also reviewed the link provided in that section but I did not find any particular question requiring a response. Is this requirement just asking that the Proposer makes an affirmative statement about the anticipated use of New York State businesses in contract performance? To further clarify that the only question on the issue seems to be on page 9 under "XII". Is this the requirement of Section VI. C 2)?*

The reference in Item VI.C.2 should be to Section XII. The reference to Section IX is a typographic error. If the answer is in the affirmative, each proposer must provide supporting information identifying New York State businesses that will be used and attaching identifying information.

2. *After reviewing your submission requirement of ten (10) paper copies and a PDF version of proposals, please provide confirmation that you prefer ten (10) copies, rather than an original set of documents and nine (9) copies of same.*

Proposers should provide ten (10) copies of their proposals. An original set is not required.

3. *In the Scope of Work (Exhibit A, page A-1), there is a category for Residential and Commercial Landlord/Tenant services, but we note in the Summary section that it is not one of the items listed. Is that an oversight or do you not seek a proposal for this area (Residential and Commercial Landlord Tenant)?*

The Scope of Work attached as Exhibit A contains the complete list of legal services for which the Authority is seeking requests for proposals. The Authority is seeking proposals in the area of Residential and Commercial Landlord/Tenant legal services pursuant to this RFP.

4. *Clarify the Proposal Format, as stated in Section V.A.- Can you clarify what is included in the 10-page limit for each practice area? In other words – since we must submit one proposal – does BPCA expect respondents to repeat their answers to questions 2-19 for each practice area (question 1)?*

Proposers should respond to each of the Questions (1 through 19) as appropriate to provide adequate information with respect to each practice area to which they are submitting proposals; the repetition of information provided elsewhere in the proposal is unnecessary. Answers to the Questions for each practice area should not exceed ten (10) pages for each practice area.

5. *In regard to VI. B. 15), is it sufficient to say that no litigation or legal proceedings relating to the provision of legal services to which the Firm is or has been a party during the last 5 years has had or is expected to have a material effect on the Firm's ability to provide the services for which it is proposing, or is it necessary to itemize each claim?*

As indicated in the RFP, please provide a list, including an explanation, of each claim, together with the current status or disposition of the matter.

6. *In regard to VI. C. 1) e), if the submitting firm does not expect to subcontract any of the work, it is necessary to submit utilization plans for MWBs and SDVOBs?*

Utilization plans for M/WBEs as well as SDVOBs are mandatory forms and are therefore required to be submitted with each proposal.

7. *In regard to VI. C. 4), we do not disclose our audited financial statements, as we consider them proprietary to the partnership. Is it sufficient instead to furnish summary financial information that will indicate the Firm's financial strength?*

If your proposal does not include audited financial statements, your proposal should contain a written statement indicating why audited financial statements cannot be included and may also include such summary financial information. The Authority may review the summary financial information provided; however, the Authority reserves the right to reject a proposal that does not conform to the requirements of the RFP.

8. *Our firm has already identified matters in which we have been, or may potentially be, adverse to Battery Park City Authority (BPCA). Due to our client base and large real estate practice, we anticipate that there will be additional matters in the future in which we may be adverse to BPCA. If BPCA seeks to assign a matter to us, is it permissible for the firm to decline work that places us adverse to clients or potential clients of the firm and to represent such clients in matters directly adverse to BPCA? Is BPCA willing to execute advance waivers, waiving current and potential conflicts and permitting the firm to represent clients directly adverse to BPCA?*

The Authority does not execute advance waivers. As a general practice, the Authority may waive conflicts as appropriate. Such a determination will be made on a case-by-case basis.

9. *Exhibit A, Scope of Work, provides descriptions of the types of matters for which BPCA will require outside legal counsel in each practice area. There are a few instances in which a type of matter is listed in more than one practice area description. For instance, "construction litigation" is included in both the Construction section and the Civil Litigation section; "employment*

litigation” is included in both the Labor, Employment and Benefits section and the Civil Litigation section. Is it necessary for the firm to submit responses for both areas to be considered for that work, or is it sufficient for us to only reply to one section in which the work is included?

If the proposer’s practice is limited to a specialized type of litigation, such as construction litigation or employment litigation, it should submit a proposal that is responsive to the “Construction” or “Employment” practice areas, as appropriate. However, if the proposer’s practice includes a wider range of litigation, it should also submit a proposal that is responsive to the Civil Litigation practice area.

10. *Regarding Section VII. Insurance Requirements subsection A. General Requirements, in our response, do we have to:*

- (i) submit proof of insurance in the Proposal or only if awarded the contract?*
- (ii) confirm in the Cost Proposal that we have the required insurance set forth in paragraphs B) and C)?*
- (iii) state in the Cost Proposal that the hourly rates quoted will not increase to cover the costs of adding BPCA, BPCPC and the State of New York as additional insureds if awarded the contract?*

Proof of insurance is not required with the submission of Proposals. Insurance compliance will be confirmed prior to the award of the Contract for the work. The cost of the insurance should be included in each proposer’s Cost Proposal.

11. *Can you please explain what is the Executive Summary that is required to be included in the Proposal as stated in Section V.B.2)?*

Proposers should provide a summary of their proposal, highlighting information that it believes would be relevant for an evaluation of their proposal.

12. *This RFP for legal services includes some areas that overlap with the prior RFP issued in January 2015. However, since the new RFP indicates that it “shall not affect those law firms that are providing legal services to BPCA pursuant to an existing retainer agreement,” should we respond now to every area that I think my firm can be of service, regardless of whether we responded to the same (or a similar) area back in January 2105?*

While legal services being provided pursuant to an existing retainer agreement will not be affected by the selection of additional firms pursuant to this RFP, please note that this RFP allows for the payment of higher hourly rates than the prior RFP. If firms would like to be compensated up to the higher rates set forth in this RFP, they are encouraged to submit proposals to this RFP.

13. *Exhibit B of the Request for Proposals for Legal Services states: “For purposes of this solicitation, BPCA hereby establishes an overall goal of 30 percent for MWBE participation, 15 percent for New York State-certified Minority-owned Business Enterprise (‘MBE’) participation and 15 percent for New York State-certified Women-owned Business Enterprise (‘WBE’)*

participation (based on the current availability of MBEs and WBEs)....” (page B-1). Please advise what procedure(s) will be established to verify MBE and WBE compliance by individual law firms. For example, will each individual law firm appointed to BPCA’s legal services panel be required to demonstrate that 30% of the total amount of fees paid by BPCA to the appointed firm is paid to qualified MBE and WBE firm(s) working in partnership or as sub-consultant(s) to the appointed firm? If the “overall goal” of 30% is established for BPCA’s legal services as a whole rather than for individual law firms, what guidelines will govern each individual proposing firm?

Selected proposers will be required to submit monthly MWBE utilization reports. Proof of utilization such as agreements with sub-consultants or partners or proof of payment to sub-consultants or partners will be required to be provided. Proposers should also attach copies of the most recent New York State Certification Letters for all MWBE firms Listed on the utilization plan.

Each individual law firm selected pursuant to the RFP will be required to demonstrate its good faith efforts to meet a goal of 30% overall MWBE participation (comprised of 15% WBE participation and 15% MBE participation) in the performance of the Contract. While there are separate 15% goals for WBE and MBE participation, proposers may reach the overall 30% participation goal by having WBE and MBE participation amounts that are different from 15% (i.e., 20% WBE and 10% MBE).

14. *Exhibit B describes a 15 percent MBE participation goal and a 15 percent WBE participation goal. What is the relationship between these goals and the 30% “overall goal” described in Exhibit B?*

See response to Question 13.

15. *Is each non-MBE/WBE proposing law firm required to designate specific MBE and WBE partner(s) or sub-consultant(s) in its MBE/WBE Utilization Plan, or is it sufficient for a non-MBE/WBE proposing law firm to certify generally that it will comply with applicable MBE and WBE requirements? If specific MBE and WBE partner(s) or sub-consultant(s) are designated in a non-MBE/WBE proposing firm’s MBE/WBE Utilization Plan, will the non-MBE/WBE proposing firm be at liberty to subsequently engage other MBE or WBE partner(s) or sub-consultant(s) in addition to those designated in its MBE/WBE Utilization Plan?*

Proposers should include any and all specific information with respect to MBE and WBE partners or sub-consultants in the utilization plan submitted with their proposal. This information will be considered by the evaluation committee in the scoring of the proposed MBE/WBE utilization plan. Any modifications or changes to the utilization plan after the contract award and during the term of the contract must be reported on a revised utilization plan and submitted to the Authority for review and approval.

16. For purposes of the MBE/WBE Utilization Plan (Standard Vendor Responsibility Questionnaire, page 11 of 20), how should the proposing firm estimate the "Total Percent of Contract Holder %" and the "Scope of Work to be done by MBE/WBE"?

Proposers should identify potential MBE/WBE partners or sub-consultants and estimate the percentage of the total dollar value of the work under the Contract that would be paid to them. They should also provide a short description of the scope of the work that such partner or sub-consultant would perform under the Contract.

17. For purposes of the SDVOB Utilization Plan (Standard Vendor Responsibility Questionnaire, page 12 of 20), how should the proposing firm estimate the "Estimated Dollar Amount to be Awarded to SDVOB" and the "Scope of Work to be done by SDVOB"?

Proposers should identify potential SDVOB partners or sub-consultants and estimate the percentage of the total dollar value of the work under the Contract that would be paid to them. They should also provide a short description of the scope of the work that such partner or sub-consultant would perform under the Contract.

18. Will MBE and WBE compliance by individual law firms be verified on an annual basis, a monthly basis, or in some other way?

MWBE compliance will be reviewed on a monthly basis.

By signing the line below, I am acknowledging that all pages of Addendum #2 have been received, reviewed and understood and will be incorporated into the bid price submitted. This document must be attached to the Proposal for consideration.

Print Name

Signature

Date

Number of pages received: 5