

### **RFP for Pre-Qualified Counsel Questions/Answers**

1. We submitted a proposal to provide construction litigation services for BPCA in June 2010 in response to an RFP. We also submitted a proposal to provide employment litigation services for BPCA in 2011 in response to an RFP.

Could you please let me know whether we have already been “pre-qualified” for any BPCA work? Obviously, if we have been pre-qualified, we would not undertake to draft and submit a new proposal at this time.

[You are not “pre-qualified”.](#)

2. What is the difference between this RFP and the RFP that was released for the same services back in June?

[This RFP is for a pool of pre-qualified attorneys and is not necessarily litigation specific.](#)

[The goal of this RFP is to retain multiple law firms to provide legal services to the Authority in a number of practice areas, including real estate, construction, etc. \(see RFP\). The prior RFP in June was limited to litigation services. If you wish to be included in our pool of law firms that we intend to use for a 3-5 year period, you must respond to this RFP.](#)

3. What are the main types of litigation cases that would be handled?

[Please refer to the Summary section in the RFP.](#)

4. On August 6, 2012, BPCA issued an RFP seeking proposals for “Pre-Qualified Legal Counsel,” and the details specify that BPCA is seeking firms that have demonstrable expertise in one or more of the areas specified “including in each instance, litigation and dispute resolution capabilities.” Is BPCA also interested in demonstrable expertise in the transaction side of these given areas of law?

[In response to your question- yes, large firms like this should be able to provide both sides of the services – transactional and litigation.](#)

5. Is it possible for the Battery Park City Authority and Battery Park City Parks Conservancy Corporation to submit sample contract(s) for prospective respondents to review prior to the submission deadline?

[We understand your question to be a request that we submit our standard legal retainer agreement for review prior to the deadline. We do not have a standard legal retainer at this time.](#)

6. The RFP makes reference to personal injury as being an area of insurance in which it wants to receive proposals. Are the Battery Park City Authority and Battery Park City Parks Conservancy Corporation interested in receiving insurance-related proposals beyond the personal injury category? [No.](#)

7. The RFP indicates that attorney rates should be presented on an hourly basis. Are the Battery Park City Authority and Battery Park City Parks Conservancy Corporation interested in receiving attorney rates on other bases such as a blended hourly rate and/ or other such flexible fee structures? [You](#)

may submit alternate rate structures... however, under no circumstances should the rate for any member of the firm exceed \$400 per hour.

8. In terms of possible approaches to satisfying the MBE/WBE requirements of the contract, can a prospective respondent present a joint venture arrangement between a majority MBE/WBE firm from the outset? Yes. If so, does that joint venture need to concern itself with the collusion restrictions that are in place? The Non-Collusion provision in the RFP applies to joint ventures as well. The Statement of Non-Collusion in the Mandatory Forms addresses joint ventures.
9. Can the Authority provide prospective respondents with any further specific details about the scope of work requested beyond the statement of "litigation and dispute resolution capabilities"? All legal services may be required with regard to each of the practice areas listed.
10. Does the Authority have a need for investment counsel? NO. We assume you mean investment counsel in connection with the Authority's investment portfolio.