

Questions Received Re: the Legal Services RFP

1. Can you please clarify what type of insurance related services the Authority seeks; representation in coverage disputes or defense of tort related claims.

A: Insurance related legal services include any matter involving insurance for which the Organization may require legal representation and/or consultation, including, but not limited to, policy negotiation and interpretation, insurance coverage disputes, and advice on specific project coverage requirements. The Authority is not seeking counsel for tort-related claims at this time.

2. Our practice is devoted to defending personal injury and wrongful death actions and is commonly referred to as "insurance defense" work. The RFP stated that BPCA is seeking "insurance" attorneys. Is BPCA seeking insurance coverage counsel or attorneys to protect its interests in personal injury/ wrongful death actions? Thank you for this clarification.

A: Please see the answer to Question #1 above.

3. What is the specific nature of the commercial and residential landlord/tenant legal services needed? Is it purely court, or are there lease negotiations and other non-litigation work?

A: Commercial and residential landlord/tenant legal services include, but are not limited to, the transfer of individual residential units within condominium buildings (closings), enforcement of lease provisions, non-payment proceedings and related work and litigation, including litigation in housing court. This is distinct from the real estate services that the Authority is seeking, which include any matter involving the Authority's real property assets, including, but not limited to, acquisition, sale or leasing of real property by the Authority, all negotiations related thereto, compliance, enforcement of lease provisions, property maintenance, title disputes, land use, and condominium conversions.

4. What is the specific nature of the real estate legal services needed? Is the work only purchase and sale of real estate, or are types of transactions involved and anticipated?

A: Real estate services are broader than the purchase and sale of real property. Please see the answer to Question #3 above.

5. What is the specific nature of the labor and employment legal services needed? Is it purely court cases, or are there administrative hearings, arbitration or mediation? Is there any employment contract drafting and negotiation work?

A: Labor and employment legal services include, but are not limited to, advice on internal employee matters, including severance-related matters, aid in drafting policies and best practices, litigation support, administrative hearings, arbitration and mediation. The Authority does not anticipate any employment contract drafting and negotiation work at this time.

6. I have another question regarding the scope of "insurance" services. Please clarify the nature of what is needed for legal services related to insurance?

A: Please see the answer to Question #1 above.

7. It would be very helpful if a clarification of the scope of services sought under “Insurance” could be provided. Is this coverage litigation, insurance defense of injury and property damage claims or a combination of both?

A: Please see the answer to Question #1 above.

8. I am writing to ask for clarification on submitting a response to this RFP as a certified MBE with New York State and New York City, and a registered vendor with the Batter Park City Authority. As a Proposer, we would seek to be a contractor. In filling out the MBE/WBE required participation plan, do we need to have a plan in mind for MBE subcontractors? Or is this unnecessary as an MBE ourselves.

A: No, a certified MBE firm does not need to submit a participation plan for MBE subcontractors, however, a participation plan for WBE subcontractors may be required. Please note that Anthony Peterson, the M/WBE Designated Contact, previously provided the following answer to Question #8 above: “You should have a plan regardless. If a MBE bids, BPCA expects them to meet the WBE requirements since they (the Bidder – MBE) can meet the MBE requirements as a self-performing sub and vice versa if a WBE bids. Now, if the bidder whether M/WBE wants to fill the whole requirement themselves they should write a Waiver request letter and attach to the forms stating reasons why...Example – the job doesn’t lend itself to sub-contracting again, just an example.”

9. With regards to the above mentioned proposal and the Vendor Responsibility Questionnaire, do you require use of the one submitted in the Notice To Proposers, dated 1/21/05, or can we use the online version of the questionnaire via New York State VendRep System?

A: Proposers must complete and submit the NYS Standard Vendor Responsibility Questionnaire included in the Mandatory Forms found at the URL address provided in Section V.D. of the RFP: http://www.batteryparkcity.org/pdf_n/Mandatory_Forms_Packet.pdf.

10. Please advise what is meant by “commercial and/or residential landlord/tenant.” Does that mean representing BPCA in connection with leases to commercial or residential tenants of BPCA? It seems highly unlikely, but would this include leases to individual residential tenants? If so, would a proposal to provide services in connection with leases to commercial tenants be acceptable? Alternatively, is the intention to refer to leases between BPCA and developers and/or owners of residential properties?

A: Please see the answer to Question #3 above. In addition, below are the answers to your specific questions in turn.

“Commercial and/or residential landlord/tenant” services include representing the Authority in matters relating to individual residential tenants/condominium unit owners, such as non-payment proceedings, enforcement of lease provisions and litigation. The Authority does not negotiate leases with individual residential tenants.

Yes, the Authority may consider Proposals relating only to legal services regarding commercial leases. The intention is to select a pre-qualified pool of counsel eligible to represent the Authority in legal matters as they arise. A selected Proposer will be eligible to represent the Authority only

for the practice area contained in its Proposal, so please carefully consider which practice area(s) are contained in your Proposal.

11. A related question is whether “commercial and/or residential landlord/tenant” includes litigation? If so, would a proposal that does not include litigation services be acceptable?

A: Please see the answers to Questions #3 and #10 above. These services include, but are not limited to, litigation. Therefore, all Proposals will be considered.

12. Regarding Section III of the RFP, can BPCA/BPCPC provide additional information regarding the following:

a) How many firms will be selected for the panel?

A: The number of Proposers to be selected is within the Organization’s discretion.

b) What is the anticipated case volume for each area of practice based upon previous years?

A: This has tended to vary greatly.

c) Can you provide additional information as to the scope of work required of the firm regarding the real estate areas of practice?

A: Please see the answer to Question #3 above.

d) Can you provide additional information as to the scope of work required of the firm regarding the insurance areas of practice?

A: Please see the answer to Question #1 above.

e) Can you provide additional information as to the scope of work required of the firm regarding the landlord/tenant areas of practice?

A: Please see the answers to Questions #3 and #10 above.