

OFFICE OF THE TOWN ATTORNEY  
TOWN OF OYSTER BAY  
NASSAU COUNTY, NEW YORK

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**REQUEST FOR PROPOSALS**  
**FOR**  
**ANALYSIS AND AUDIT OF FRANCHISE FEE COLLECTIONS**

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NOTES:

1. ISSUANCE DATE: May 13, 2019
  2. THIS RESPONSE IS DUE BY: June 3, 2019  
[Consideration will only be given to responses received on or before 4:00 pm]
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PROJECT NAME: ANALYSIS AND AUDIT OF FRANCHISE FEE COLLECTIONS

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# REQUEST FOR PROPOSALS

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AUTHORIZED CONTACT PERSON: Prospective firms are advised that the authorized Town of Oyster Bay contact person for all matters concerning this RFP is:

Joseph Nocella, Town Attorney  
Town of Oyster Bay  
Town Hall  
54 Audrey Avenue  
Oyster Bay, NY 11771  
Telephone: (516) 624-6150 – Fax: (516) 624-6196  
Email: [jnocella@oysterbay-ny.gov](mailto:jnocella@oysterbay-ny.gov)  
with copy to [fscalera@oysterbay-ny.gov](mailto:fscalera@oysterbay-ny.gov)

INTRODUCTION: In accordance with the General Municipal Law §104-b and the Town of Oyster Bay’s qualification based procurement policy, the Office of the Town Attorney of the Town of Oyster Bay (hereinafter referred to as “Town”) is seeking proposals from qualified firms located and authorized to do business in the State of New York, to provide comprehensive franchise fee auditing services to the Town. The audit will assess the accuracy of the cable franchise fees and public, education and government (“PEG”) fees calculations and payments. A firm may be selected from among responding firms based on a thorough analysis of each firm’s ability to provide the Town with high quality services at beneficial rates to the Town.

The scope of the anticipated services and experience and knowledge required are more fully described below.

QUALIFICATION BASED SELECTION PROCESS: The Town, after receipt and review of responses to this RFP, reserves the right to reject all proposals based upon the information provided by the firm(s) in their proposal(s) and based upon subsequent negotiations between the Town and the firm(s). The review process of the responses submitted is based on the qualifications of the firm for the nature of the services. The Town also reserves the right to subdivide individual items and award one or more portions to one firm and other portions to one or more other firms. The review process of the RFP’s submitted is based on the qualifications of the firm for the nature of the-project, as set forth in the Town’s Procurement Policy.

CRITERIA FOR EVALUATION:

The criteria to be used by the Town in evaluating these proposals shall include the experience of the firm in assignments of similar size, scope and complexity; special knowledge relevant to the project; special equipment or facilities relevant to the project; the size, staffing, resources and financial capability of the firm; the firm’s knowledge and experience with Town facility(ies) and the firm’s past performance with the Town, and/or other municipalities.

It is expressly acknowledged that the quality of the services to be rendered is of paramount importance to the Town. However, it is further expressly acknowledged that the cost of the services to be rendered is a substantial factor in the Town's decision making process.

Following its review, the Town may notify the firms of their standing. The top ranked firm(s) may be invited to an interview to negotiate an agreement. If a satisfactory agreement cannot be negotiated with such firm(s) at a fee determined by the Town to be fair and reasonable, then negotiations with such firm(s) will be terminated and negotiations will continue with the suitably ranked firm(s). The Town may also notify the firms to determine whether any conflict of interest exists with the firm and any parties involved in the matter.

USE OF SUBCONSULTANTS AND OTHER SUBORDINATE ENTITIES: Prospective firms are advised that the Town will entertain proposals that include the use of sub-consultants and/or other subordinate entities, i.e. experts. In such event, the proposal must clearly state the extent and nature of the work proposed to be delegated to the other entity and the cost reasonably estimated to be passed on to the Town in connection with the service.

FAMILIARIZATION WITH CURRENT PROGRAMS, FACILITIES AND DOCUMENTS: It is the sole responsibility of the prospective firms to familiarize themselves with the Town's current programs, facilities, documents and any other information which is necessary and relevant to the scope of this RFP. Upon sufficient and reasonable advance notice to the contact person named above, arrangements may be made to visit and inspect any involved Town facilities and/or to view applicable documents. Any and all costs borne by the prospective proposer in familiarizing themselves with the above are to be borne solely by the prospective proposer. In the event that the prospective proposer is ultimately awarded an agreement pursuant to this RFP, the Town will not allow any claims for payment which include billable time for such familiarization and travel costs, regardless of whether they were incurred prior to or following the submission of the proposer's proposal.

PAYMENTS AND CLAIMS: Payments to the successful proposer will be made in accordance with the terms agreed to between the Town and the successful proposer, and must be submitted with a Town of Oyster Bay claim form.

**\* Note: The Town makes no representation of the actual value of the work. Further, as part of the award process, a maximum dollar amount may be determined and may be incorporated into the agreement that is awarded pursuant to this Request for Proposals. The Town further states that it also makes no representation that actual services required will be for the full maximum dollar amount incorporated into the agreement.**

**Kindly note that consideration will only be given to the responses received in this office on or before 4:00 p.m., on June 3, 2019.**

## SCOPE OF SERVICES:

The Town seeks qualified firms to conduct an audit of the Town's cable television franchise agreements with Cablevision and Verizon to ensure that all franchise and PEG fees due to the Town have been properly calculated and paid. Specifically, the Town seeks the following services:

1. Review and evaluate the terms of existing contracts, franchise agreements and other relevant records and documentation to ensure that franchise and PEG fees are being accurately assessed and remitted to the Town.
2. Determine any past deficiencies in collected franchise and PEG fees going back as far as allowed by current franchise agreements and local, state and federal laws.
3. Provide assistance to the Town in collection due and owed unpaid franchise and PEG fees.
4. Identify interest and penalties, if any, owed to the Town of unpaid franchise and PEG fees.

## Term of Service

It is anticipated that the Town will award an agreement for one year, with an option to extend the term of the agreement to two (2) additional one (1) year periods, at the sole discretion of the Town and subject to available funding. The Town may exercise these extensions solely by delivering notice of the extension to the selected proposer.

## EXPERIENCE AND SPECIAL KNOWLEDGE REQUIRED:

1. Firms must be authorized to do business in the State of New York.
2. Firms must have experience of at least three (3) years in the industry.

## FORMAT OF PROPOSAL

Proposals should be organized as shown below with tab dividers between sections and should include all the information indicated. Note that elaborate brochures or other presentations beyond those sufficient to present a complete and extensive response to this solicitation are not desired. Three (3) copies and one (1) electronic copy shall be submitted.

### SECTION A. INTRODUCTORY STATEMENT

A history and description of the firm submitting the proposal.

### SECTION B. QUALIFICATIONS AND APPROPRIATENESS OF PROPOSED STAFF

Provide names and resumes as well as certificates of qualifications of key personnel proposed for this project.

### SECTION C. APPROPRIATENESS AND QUALITY OF CONTRACTOR'S EXPERIENCE

1. Include experience in the auditing of cable franchise agreements.
2. Provide a minimum of three (3) references with contact information (recent, similar projects are preferred).
3. Provide any documentation (certificates, diplomas, et. al.) that show the firm's training in the field of cable franchise auditing.

### SECTION D. PRICE PROPOSAL

Each proposal shall include a price proposal and proposer's fees for the required services. The Town envisions the successful proposer's compensation to be in the form of a contingent percentage fee. Said fee shall be a one-time fee calculated on the refunds actually received by the Town in connection with the audit.

### SECTION E. SUPPLEMENTAL INFORMATION

Any additional information relevant to the firm's qualifications for this project may be included at the firm's option.

### TERMINATION PROVISIONS:

Either party may terminate the agreement, upon forty-five (45) days written notice to the other.

However, the agreement shall provide that in the event of any material misrepresentation by the firm, the Town shall have the right to immediately terminate the agreement. It shall also provide that in the event the firm or any of its principals are convicted of a misdemeanor or felony during the term of the agreement, that the Town shall also have the right to immediately terminate the agreement.