

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

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REQUEST FOR PROPOSALS  
FOR  
SPECIAL COUNSEL SERVICES

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NOTES:

1. ISSUANCE DATE: July 28, 2017
  2. THIS RESPONSE IS DUE BY: August 10, 2017  
[Consideration will only be given to responses received on or before the close of business]
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PROJECT NAME: **SPECIAL COUNSEL TO THE TOWN ATTORNEY**

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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)

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 individuals or law firms interested in serving as special counsel with respect to providing counsel relative to the investigation and evaluation of possible claims against entities responsible for creating and maintaining a nuisance on any property within the Town’s jurisdictional boundaries in violation of any municipal ordinance; to advise the Town of any enabling resolutions necessary to effectuate the claims; and any and all other services, including but not limited to assistance in the prosecution of such claims as the Town directs.

Counsel must be admitted to the New York State Courts and the United States District Court, Eastern District of New York.

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

FORM OF PROPOSAL: Firms must submit three (3) copies of their firm profiles, resumes, individual credentials, and proposed fee schedules.

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.

CRITERIA FOR EVALUATION: 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 concern because the Town seeks effective representation at reasonable rates.

Following its review, the Town may notify the firms of their standing. The top ranked firm(s) may be invited to submit a retainer, which will be subject to negotiation. 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 a retainer 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; however, typically billing shall be computed on one-tenth of an hour basis, and must be submitted monthly 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 4:45 p.m., on August 10, 2017.**

SCOPE OF SERVICES: The Town seeks qualified legal counsel to provide legal services relating to all matters concerning the Town's Parking Garage, located in Hicksville, New York. Such services may include, but not be limited to, the following:

- Complete analysis and investigation of possible claims against entities responsible for creating or maintaining a nuisance on any property within the Town's jurisdictional limits;
- Town Code analysis in relation to such nuisance claims;
- A comprehensive review of and recommendations for any enabling resolutions and/or code ordinance modifications necessary to effectuate the claims;

- Drafting and enactment of land use laws, rules and/or ordinances as they relate to nuisance matters;
- Handle the prosecution and/or defense of nuisance claims/litigation;
- Provide general advice and counsel to the Town regarding the current status of nuisance laws, rules and regulations, including the training of code enforcement officers/building inspectors, to identify and handle nuisance matters;
- Any other actions desired by the Town in order to effectuate such nuisance claims as may be determined to exist; and
- Perform such other legal functions as the Town may require relative to the objectives and intent of this request for proposal

EXPERIENCE AND SPECIAL KNOWLEDGE REQUIRED:

- Prosecution and defense of nuisance related claims/lawsuits for private and municipal clients
- Federal, State and local laws, rules and regulations regarding nuisance
- Federal, State and local laws, rules and regulations regarding environmental hazardous substances and clean up of contaminated land, including, but not limited to, CERCLA.
- Interplay between the laws, rules and regulations regarding nuisance and federal and state environmental laws, rules and regulations
- Federal pre-emption doctrine as it applies to local nuisance laws and federal environmental laws, rules and regulations
- Drafting and enactment of local laws and codes on behalf of local municipalities
- Municipal law
- Land use and zoning laws

(BIDDER'S DISCLOSURE AFFIDAVIT)

RFP TITLE: \_\_\_\_\_

STATE OF NEW YORK            )  
  ss.  
COUNTY OF                     )

\_\_\_\_\_, being duly sworn, deposes and says:

1.       That I am \_\_\_\_\_(age), and reside at (address) \_\_\_\_\_.
  
2.       That I am a proposer for the contract which is the subject matter of this application and am familiar with all the facts and circumstances hereinafter set forth.
  
3.       That neither deponent nor any other person mentioned in this affidavit is an officer or employee, or is related to an officer or employee of the Town of Oyster Bay – except: (if any, set forth details)

\_\_\_\_\_  
\_\_\_\_\_

4.       That no officer of the State of New York, or officer or employee of the Town of Oyster Bay, or Nassau County, or person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision 4 of Section 2 of the Election Law, or his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them, is the proposer, or any officer, director or partner, member or employee of the proposer, or legally or beneficially owns or controls one (1) percent or more of the stock of the proposer, or is associated with the proposer in a joint venture, or is a party to an agreement with the proposer, expressed or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable award of such contract – except (if any set forth details – see General Municipal Law Section 809)

\_\_\_\_\_  
\_\_\_\_\_

5.       That in the event there is any change in the matters set forth herein prior to the award of the contract, deponent(s) will file with the Town of Oyster Bay a supplemental affidavit indicating the details of such change within 48 hours of such change.

\_\_\_\_\_  
(signed)

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 201\_

\_\_\_\_\_  
NOTARY PUBLIC

(SAMPLE CORPORATE DISCLOSURE AFFIDAVIT)

RFP TITLE \_\_\_\_\_

STATE OF NEW YORK )

ss.

COUNTY OF )

\_\_\_\_\_, being duly sworn, deposes and says:

1. That I am the (office held) \_\_\_\_\_ of the (name of corporation) \_\_\_\_\_ and am fully familiar with all the facts and circumstances hereinafter set forth.

2. That the business address of (name of corporation) \_\_\_\_\_ is (address) \_\_\_\_\_.

3. That said corporation was incorporated under and pursuant to the Law of the State of \_\_\_\_\_.

4. That the following are the names and residences of each officer, director and shareholder: (set forth names, residences and relationship to corporation): \_\_\_\_\_.

5. That the corporate stock of said corporation has not been pledged to any person nor has any agreement been made to pledge the said stock – except (if any, set forth details): \_\_\_\_\_.

6. That neither deponent nor any other person mentioned in this affidavit is an officer or employee, or is related to an officer or employee of the Town of Oyster Bay – except (if any, set forth details): \_\_\_\_\_.

7. That no officer of the State of New York, or officer or employee of the Town of Oyster Bay, or Nassau County, or person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision 4 of Section 2 of the Election Law, or his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them, is the proposer, or any officer, director or partner, member or employee of the proposer, or legally or beneficially owns or controls one (1) percent or more of the stock of the proposer, or is associated with the applicant in a joint venture, or is a party to an agreement with the proposer, expressed or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the award of such contract – except (if any set forth details – see General Municipal Law Section 809)

8. That in the event there is any change in the matters set forth herein prior to the award of the contract, deponent(s) will file with the Town of Oyster Bay a supplemental affidavit indicating the details of such change within 48 hours of such change.

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(signed)

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 201\_

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NOTARY PUBLIC