

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

REQUEST FOR PROPOSALS

FOR

SPECIAL COUNSEL SERVICES
GENERAL LIABILITY DEFENSE

NOTES:

1. ISSUANCE DATE: August 7, 2018
 2. THIS RESPONSE IS DUE BY: August 31, 2018
[Consideration will only be given to responses received at or before 12:00 p.m. EDT on August 31, 2018]
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PROJECT NAME: **SPECIAL COUNSEL TO THE TOWN ATTORNEY
GENERAL LIABILITY DEFENSE**

REQUEST FOR PROPOSALS
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TABLE OF CONTENTS

	<u>Page</u>
Authorized Contact Person.....	1
Introduction.....	1
Form of Proposal.....	1
Qualification Based Selection Process.....	1
Scope of Services.....	2
Criteria for Evaluation.....	2
Use of Sub-consultants and Other Subordinate Entities.....	2
Familiarization with Current Programs, Facilities and Documents.....	2
Payments and Claims.....	3
Questions.....	3

AUTHORIZED CONTACT PERSON

Prospective firms are advised that the authorized Town of Oyster Bay contact person for all matters concerning this Request for Proposals (the “Request” or “RFP”) is:

Joseph Nocella, Town Attorney
54 Audrey Avenue
Oyster Bay, NY 11771
Telephone: (516) 624-6150 – Fax: (516) 624-6196
Email: jnocella@oysterbay-ny.gov

INTRODUCTION

In accordance with the General Municipal Law § 104-b and the Town of Oyster Bay’s Procurement Policy, the Office of the Town Attorney of the Town of Oyster Bay (the “Town”) is seeking proposals from qualified individuals or law firms interested in serving as general liability defense counsel to the Town.

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

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

FORM OF PROPOSAL

Proposers must submit three (3) copies of their firm’s resume, individual attorneys’ credentials, and representative case work.

Proposers should conduct a conflicts check prior to submitting a response to this Request. Kindly indicate the result of such conflicts check in the body of your firm’s response.

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 solicited through this Request. Among other criteria, the Town is required to consider (i) the experience of the firm in assignments of similar size, scope, and complexity, (ii) special knowledge relevant to project, (iii) past performance with the department, (iv) time constraints and deliverability of service, (v) firm’s current workload with the Town, and (vi) size, staffing, resources, and financial capability of the firm.

SCOPE OF SERVICES

The Town seeks qualified legal counsel to provide legal services relating to general liability defense. The scope of services includes, without limitation, pre-suit claims investigation (including General Municipal Law § 50-h examinations), pre-trial proceedings, including motions to dismiss and/or for summary judgment, as appropriate, trial, and post-trial proceedings, including appeals.

The firm(s) that is/are ultimately selected shall be included in the Town's general liability defense panel for a one (1) year period beginning on January 1, 2019 through and including December 31, 2019. The Town may, at its sole and exclusive option, extend the term for an additional one (1) year.

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 of each proposal, the Town will notify the responding firms of their standing. The top ranked firm will be invited to submit an engagement letter, which will be subject to negotiation. If a satisfactory agreement cannot be negotiated with such firm at a fee determined by the Town to be fair and reasonable, then negotiations with such firm will be terminated and negotiations will continue with other suitably ranked firm(s). Please note that the Town does not make retainer payments in advance of services rendered.

USE OF SUB-CONSULTANTS 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. However, the Town maintains an agreement with an IME service, and as such, IMEs shall be coordinated through the Office of the Town Attorney. 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

Payment for services rendered is made on a monthly basis, following submission of an invoice and Town claim form, which is subject to review and audit by Town personnel. Billing shall be computed on one-tenth of an hour basis, and invoices must clearly reflect the staff assigned to this project, the number of hours or portion thereof spent on this project, the hourly rate of each staff member, and a description of the services rendered by each staff member.

Counsel will be paid according to the following rate schedule:

Trials including jury selection (per half day)	\$400.00
Court appearances other than trials	\$250.00
All Court appearances in which the matter is adjourned and/or rescheduled, with the exception of trials	\$100.00
50-h Hearings and Examinations Before Trial – Each Party	\$250.00
Office work by attorneys including, but not limited to, pleadings, research, motions and briefs	\$150.00 per hour

Note: The Town makes no representation of the actual value of the work under this RFP. 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.

QUESTIONS

Should you have any questions regarding this RFP, the nature of the services sought hereunder, or any other matter concerning this RFP, such questions may be directed by e-mail only to the Authorized Contact Person noted above, with an electronic carbon copy to Matthew M. Rozea, Esq. (mrozea@oysterbay-ny.gov) and Jeffrey A. Lesser, Esq. (jlesser@oysterbay-ny.gov).