

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

REQUEST FOR PROPOSALS
FOR
APPELLATE PRINTING SERVICES

NOTES:

1. ISSUANCE DATE: July 25, 2019
 2. THIS RESPONSE IS DUE BY: August 23, 2019
[Consideration will only be given to responses received at the Office of the Town Attorney at or before 4:00 p.m. EDT]
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A. AUTHORIZED CONTACT PERSON

Prospective firms are advised that the authorized Town of Oyster Bay (the “Town”) 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

B. INTRODUCTION

In accordance with the General Municipal Law § 104-b and the Town’s Procurement Policy, the Office of the Town Attorney is seeking proposals from qualified printing services for appellate briefs, records, and other related documents.

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

C. FORM OF PROPOSAL

Firms must submit three (3) copies of their firm’s resume, background, and a proposed fee schedule.

At a minimum, proposing firms should expansively and thoroughly address the following subjects as a part of their proposal:

1. *Proposer Profile: Organization, Capacity, Staffing, Resumes*

Provide a complete description of the firm’s organizational structure, and capacity to provide and support the proposed services; resumes of the proposed personnel (quality/demonstrated skills of proposed personnel); and a clear description of potential resource utilization methods and approach to the litigation.

2. *Related Experience*

Describe any prior public sector experience, project management and implementation qualifications and related experiences of the proposer including references, organizational and technical capacity, and outcome/results of services provided to other similar clients of similar size; comprehensive description of why the proposer can perform the tasks defined in the RFP.

3. *Fee Proposal*

Submit a proposed fee schedule, including proposed rates for briefs, records, and other similar documents.

In addition, and further to the Town's on-going commitment to increased transparency and ethics, proposers must submit a completed Town Disclosure Questionnaire. A copy of the questionnaire is annexed to the end of this Request.

D. QUALIFICATION BASED SELECTION PROCESS

The Town, after receipt and review of responses to this RFP, reserves the right to reject any or 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 is based on the qualifications of the firm for the nature of the services solicited under this RFP, as guided by the Town's Procurement Policy, adopted by Town Board Resolution 208-2018, a copy of which is available at <http://oysterbaytown.com/wp-content/uploads/Procurement-Policy-209-2018.pdf>.

In reviewing the proposals, the following factors will be considered, without limitation:

1. Magnitude, scope, and complexity of the services to be rendered;
2. Experience of the firm in assignments of similar size, scope, and complexity;
3. Special knowledge relevant to the project;
4. Size, staffing, resources, and financial capability of the firm vs. the size of the assignment;
5. Past performance with the Town, if any;
6. Firm's current workload with the Town; and
7. Acceptability and efficacy of proposed analysis, management and implementation methods and procedures and supporting systems for ongoing project management and implementation support, previous engagements of similar scope and quality, description of recommendations and alternative approaches that the Town might use to improve its management process including rationale for the recommendations or alternative approaches.

E. 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 payments in advance of services rendered.

F. 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. expert witnesses. 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 to the extent presently known and/or ascertainable.

G. 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 firm in familiarizing themselves with the above are to be borne solely by the prospective printing firm. *See* § L(1), *infra*. In the event that the prospective firm 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.

H. 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. Invoices must clearly describe the services rendered and the cost associated with such services.

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.

I. SCOPE OF SERVICES

The Town seeks qualified appellate printers to assist the Office of the Town Attorney in its appellate practice. Specifically, the Town seeks printers for the preparation of appellate briefs and records (including the collection of all record documents from the trial court). The printer

selected under this RFP, if any, will also be responsible to timely file any and all necessary documents with the court.

J. REQUIRED EXPERIENCE AND SPECIAL KNOWLEDGE

- Preparation of appellate briefs, records, appendixes, and other similar appellate documents;
- Filing of appellate papers with the court; and
- Familiarity with and knowledge of the rules of appellate practice in New York State courts and the United States Court of Appeals for the Second Circuit.

K. PROPOSAL SUBMISSION INSTRUCTIONS

Each proposal shall be prepared simply and economically avoiding the use of elaborate promotional materials beyond those sufficient to provide a complete, accurate, and reliable presentation.

The proposals must be signed by an individual who is authorized to bind the Firm to all commitments made in the proposal. Three (3) copies of the proposal, together with all attachments, must be submitted to the Town in a sealed envelope **no later than 4:00 p.m. EST on August 23, 2019**. Proposals received after the above date and time will not be considered. The Town is under no obligation to return proposals.

It is each Proposer's responsibility to carefully review all requirements of the RFP, including the scope of work, the specification and terms and conditions. It is further the proposer's responsibility to ask questions, request clarifications, or otherwise advise the Town if any language, specifications or requirements of this RFP appear to be ambiguous, contradictory, or vague. Any questions must be submitted by e-mail only by August 9, 2019 at 12:00 p.m.

Although the Town will make best efforts to respond to any question(s) received by the deadline established above, the Town is under no obligation to respond to such questions, inquiries or assertions. Note that all questions, and all corresponding answers, if any, will be shared with all prospective printing firms.

Proposers will submit all proposals and direct all responses, questions and any other communications to the following contact person:

Joseph Nocella, Town Attorney (jnocella@oysterbay-ny.gov)

with copies to

Jeffrey A. Lesser, Esq. (jlesser@oysterbay-ny.gov); and
Matthew M. Rozea, Esq. (mrozea@oysterbay-ny.gov).

Please indicate in the subject line of any email "Appellate Printing Services RFP."

No contact with any other Town personnel other than the authorized contact person is permitted until such time as an award has been made by the Town Board.

L. OTHER GENERAL INFORMATION

1. **Incurring Cost.** The Town shall not be liable for any costs incurred in the preparation and production of a proposal in response to this RFP or for any work performed prior to the issuance of a contract.

2. **Rejection of Proposals.** This RFP does not commit the Town to award a contract, or to procure, or to contract for services or supplies. The Town reserves the right to award this contract to the proposer(s) that best meet the requirements of the RFP. The Town reserves the right to accept or reject any or all proposals received as a result of this request; to negotiate with all qualified sources, or to cancel in part or in its entirety this RFP if it is in the interests of the Town to do so. The Town may require the Proposer selected to participate in negotiation and to submit any price, technical, or other revisions, or their proposals as may result from negotiations.

3. **Addenda to Request for Proposals.** Amendments to this RFP may be necessary prior to closing date and will be posted on the Town website: <http://oysterbaytown.com/doing-business-with-the-town>. It is the sole responsibility of proposers to review that website for addenda prior to making any proposal; the Town will not directly contact interested firms to advise of any amendments to this Request.

4. **Contract Negotiations.** The Town intends to enter into contract negotiations with the firm selected by the Town Board, who shall be required to enter into a written contract with the Town in a form approved by legal counsel for the Town.

5. **Disclosure of Proposal Contents.** The Town will withhold proposals submitted under this RFP from disclosure, unless otherwise required by law, including, but not limited to, the Freedom of Information Law (“FOIL”). Proposers should indicate any information they feel is exempted from disclosure under FOIL. In the event that the Town determines that information is required by applicable law to be disclosed, the Town will notify the Proposer in advance of such disclosure to enable the Proposer to take such actions as it deems appropriate. Copies of executed contracts are not exempt from FOIL.

6. **Ownership of Information.** All material submitted in response to this RFP will become the property of the Town.

7. **Examination of Records:** In submitting a proposal, the successful Proposer agrees that the Town shall have access to and the right to examine all pertinent documents, papers and records of the Proposer and/or any sub-proposer as related to any contract and/or subcontract resulting from this RFP until six years after final payment has been made pursuant to any contract awarded as a result of the Town’s acceptance of proposal.

8. **Disclaimer** The Town and its respective officers, directors, agents, members and employees make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFP. Further, the Town does not warrant nor make any representations as to the quality, content, accuracy or completeness of the information, text graphics, links or other facets of this RFP once it has been downloaded or printed from this or any server, and hereby disclaims any liability for technical errors or difficulties of any nature that may arise in connection with the Website on which this RFP is posted, or in connection with any electronic medium utilized by respondents or potential respondents in connection with or otherwise related to the RFP.

9. **Negotiated Changes.** In the event that negotiated changes occur after the awarding of the contract, the same pricing policies called for in the original contract will remain in effect.

10. **Certain Termination Provisions.** The contract shall provide that in the event of any material misrepresentation by the Proposer contained in its proposal, the Town shall have the right to immediately terminate the agreement. It shall also provide that in the event the Proposer or any of its principals are convicted of a misdemeanor or felony during the term of the agreement, that the Town shall have the right to terminate the agreement.

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CONTRACT# _____ TITLE _____

**TOWN OF OYSTER BAY
DISCLOSURE QUESTIONNAIRE**

All questions on this questionnaire must be answered by an officer and any stakeholders who hold a majority or greater ownership interest in the proposer. Answers must be typewritten or printed in ink. If you need more space to answer any question, make as many photocopies of the appropriate page(s) as necessary and attach them to the questionnaire.

COMPLETE THIS QUESTIONNAIRE CAREFULLY AND COMPLETELY. FAILURE TO
SUBMIT A COMPLETE QUESTIONNAIRE MAY MEAN THAT YOUR BID OR PROPOSAL
MAY BE REJECTED AS NON-RESPONSIVE AND IT MAY NOT BE CONSIDERED FOR
AWARD

NOTE: All questions require a response, even if response is “none” or “not-applicable.” No blanks.

SECTION I: GENERAL INFORMATION

1. Business name (legal name): _____
2. Federal Employer ID No. (FEIN): _____
3. d/b/a – doing business as (if applicable): _____
County filed: _____
4. Website address (if applicable): _____
5. Business e-mail address: _____
6. Principal place of business address: _____
7. Telephone number: _____ 7. Fax number: _____
8. Does the business use, or has it used in the past five (5) years, any other business name, FEIN, or d/b/a other than what is listed in questions 1-3 above? Yes ___ No ___
If yes, please provide details. _____

9. Authorized contact:
Name: _____
Title: _____
Telephone number: _____ Fax number: _____
E-mail: _____

10. How many years has this entity been in business? _____
11. The proposer is a (check one): Sole Proprietorship Partnership Corporation
 Other (Describe) _____

SECTION II: PRINCIPAL INFORMATION

1. Principal Name _____
 Date of birth ____/____/____ % Equity Interest in Company _____
 Home address _____
 City/state/zip _____
 Telephone _____

2. Positions held in submitting business

3. Within the past five years, have you been a principal owner or officer of any business or not-for-profit organization other than the one submitting the questionnaire?
 YES ___ NO ___; If Yes, provide details. _____

4. Has any governmental entity awarded any contracts to a business or organization listed in question 3 above in the past five (5) years while you were a principal owner or officer?
 YES ___ NO ___; If Yes, provide details. _____

SECTION III: DUE DILIGENCE QUESTIONS - TO BE COMPLETED IF CONTRACT VALUE IS \$25,000.00 OR OVER IN A 12 MONTH PERIOD.

1. Does the business possess all certifications, licenses, permits, approvals, insurance, bonds or other authorizations issued by any local, state, or federal governmental entity in connection with the proposal/project, business services, operations, business, or ability to conduct its activities? Please note this does not include construction related activities such as building permits and certificates of occupancy.
 YES ___ NO ___ If no, please provide details _____

2. Does this business have one or more affiliates, and/or is it a subsidiary of, or controlled by, any other business?
 YES ___ NO ___ If Yes, provide details. _____

3. Has the proposer ever had a bond or surety cancelled or forfeited, or a contract with any entity terminated? YES ___ NO ___ If Yes, state the name of bonding agency, (if a bond), date, amount of bond and reason for such cancellation or forfeiture; or details regarding the termination.

4. On a separate document attached hereto, list all contracts that business has entered into with any municipality in the past three (3) years. Please list the names, address and contact person for the contracting entities.

5. Has the proposer, during the past five (5) years, been declared bankrupt? YES ___ NO ___ If Yes, state date, court jurisdiction, amount of liabilities and amount of assets _____

6. In the past five years, has this business and/or any of its owners and/or officers and/or any affiliated business, been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency?
YES ___ NO ___ If Yes, provide details for each such investigation. _____

7. In the past 5 years, have any owner and/or officer of any affiliated business been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency, where such investigation was related to activities performed at, for, or on behalf of an affiliated business.
YES ___ NO ___ If Yes, provide details for each such investigation. _____

8. In the past 5 years, has this business and/or any of its owners and/or officers and/or any affiliated business been the subject of an investigation by any government agency, including but not limited to federal, state and local regulatory agencies?
YES ___ NO ___ If Yes, provide details for each such investigation. _____

9. In the past 5 years, has any owner and/or officer of an affiliated business been the subject of an investigation by any government agency, including but not limited to federal, state and local regulatory agencies, for matters pertaining to that individual's position at or relationship to an affiliated business.
YES ___ NO ___ If Yes, provide details for each such investigation. _____

10. Has any current or former director, owner or officer or managerial employee of this business had, either before or during such person's employment, or since such employment(if the conduct pertained to events that allegedly occurred during the time of employment):

a) Any felony charge pending? YES ___ NO ___ If Yes, provide details for each such charge.

b) Any misdemeanor charge pending? YES ___ NO ___ If Yes, provide details for each such charge. _____

c) Any violations of administrative, statutory or regulatory provisions pending? YES ___ NO ___ If Yes, provide details for each such charge. _____

d) In the past ten (10) years, you been convicted, after trial or by plea, of any felony and/or any other crime, an element of which relates to truthfulness.? YES ___ NO ___ If Yes, provide details for each such conviction.

e) In the past ten (10) years, been convicted, after trial or by plea, of a misdemeanor? YES ___ NO ___ If Yes, provide details for each such conviction. _____

f) In the past ten (10)years, been found in violation of any administrative, statutory, or regulatory provisions? YES ___ NO ___ If Yes, provide details for each such occurrence.

11. In the past five (5) years, has this business or any of its owners or officers, or any other affiliated business had any sanction imposed as a result of judicial or administrative proceedings with respect to any professional license held? YES ___ NO ___; If Yes, provide details for each such instance.

12. For the past five (5) tax years, has this business failed to file any required tax returns or failed to pay any applicable federal, state or local taxes or other assessed charges? YES ___ NO ___ If Yes, provide details for each such year. _____

SECTION IV: CONFLICT OF INTEREST

Please disclose any conflicts of interest as outlined below. NOTE: If no conflicts exist, please expressly state "No conflict exists."

1. Any material financial relationships that your firm or any firm employee has that may create a conflict of interest or the appearance of a conflict of interest in being awarded this contract with the Town of Oyster Bay.

2. Any family relationship that any employee of your firm has with any public servant that may create a conflict of interest or the appearance of a conflict of interest in being awarded this contract with the Town of Oyster Bay.

3. Any other matter that your firm believes may create a conflict of interest or the appearance of a conflict of interest in being awarded this contract with the Town of Oyster Bay.

CERTIFICATION

A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE SUBMITTING BUSINESS ENTITY NOT RESPONSIBLE WITH RESPECT TO THE PRESENT PROPOSAL OR FUTURE PROPOSALS, AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

I, _____, being duly sworn, state that I have read and understand all the items contained in the foregoing pages of this questionnaire and the following pages of attachments; that I supplied full and complete answers to each item therein to the best of my knowledge, information and belief. The undersigned also certifies that s/he has not altered the content of the questions in the questionnaire in any manner; has read and understands all of the items contained in the questionnaire and any attached pages; has supplied full and complete responses to each item therein to the best of his/her knowledge, information and belief; is knowledgeable about the submitting business’s business and operations; understands that the Town of Oyster Bay will rely on the information supplied in this questionnaire when entering into a contract or agreement with the business; and is under duty to notify the Town of Oyster Bay of any material changes to the business’s responses herein

Sworn to before me this day of 20__

Notary Public

Name of submitting business: _____

By: _____
Print name

Signature

Title

_____/_____/_____
Date