

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

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REQUEST FOR PROPOSALS  
FOR  
LITIGATION INVESTIGATION SERVICES

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NOTES:

1. ISSUANCE DATE: December 14, 2020
  2. THIS RESPONSE IS DUE BY: January 5, 2021  
[Consideration will only be given to responses received at or before 12:00 p.m. EDT on January 5, 2021]
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PROJECT NAME: **LITIGATION INVESTIGATION SERVICES**

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REQUEST FOR PROPOSALS  
LITIGATION INVESTIGATION SERVICES

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## 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 firms interested in providing litigation investigation services to the Town.

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

## 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:

Frank M. Scalera, Town Attorney  
54 Audrey Avenue  
Oyster Bay, NY 11771  
Telephone: (516) 624-6150 – Fax: (516) 624-6196  
Email: [fscalera@oysterbay-ny.gov](mailto:fscalera@oysterbay-ny.gov)

Contact may also be made with the individuals listed in the "Questions" section found on Page 3.

## FORM OF PROPOSAL

Proposals shall be neatly bound and shall be divided into separate sections. The evaluation criteria noted below shall be addressed in the separate sections. Additionally, proposers must submit three (3) copies of their firm's resume, investigators' credentials, and representative work.

## EVALUATION CRITERIA

Consistent with the Town of Oyster Bay Procurement Policy, the review 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.

By submitting a response to this Request, the proposer expressly acknowledges that it understands that the quality of the services rendered is of paramount importance to the Town. Moreover, the proposer expressly acknowledges that the cost of the services rendered is a substantial concern. Thus, the Town seeks the most effective services at the most reasonable cost.

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).

#### ETHICS AND DISCLOSURE

Pursuant to Town policy, proposers will be required to complete a disclosure questionnaire. That disclosure will be processed through the Town's online vendor monitoring system, Exiger. The questionnaire will be forwarded by e-mail to the principal whose name is provided on the firm's response. Any firm that does not complete and return the electronic questionnaire will not be considered for an award under this RFP.

#### NEGOTIATION OF RETENTION/PROFESSIONAL SERVICES AGREEMENT

Following its review of each proposal, the Town will notify the responding firms as to the status of their proposal. Firms meeting the review criteria will be invited to submit a proposed engagement letter, which will be subject to negotiation. If a satisfactory agreement is not reached, then negotiations with such firm will be terminated. Please note that the Town does not make retainer payments in advance of services rendered.

Under no circumstances will an agreement be binding upon the Town unless and until the Town Board authorizes the execution of the agreement.

#### SCOPE OF SERVICES

The Town seeks qualified litigation investigation firms in connection with litigation and/or potential litigation. Among other services, the Town seeks assistance in pre-litigation investigation, discovery, and trial preparation. Specifically, the Town seeks accident scene photography, surveillance, background checks, witness searches and interviews, and trial exhibit preparation. Firms are encouraged to tailor their proposals so as to best achieve the object of this RFP.

The firm(s) that is/are ultimately selected shall be included on the Town's investigators panel for a period beginning on January 26, 2021 through and including December 31, 2021. The Town may, at its sole and exclusive option, extend the term up to two (2) one-year periods.

#### 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. 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.

Prior to using any such sub-consultant or subordinate entity, the firm shall seek approval from the handling attorney. Any claim seeking payment for the services of a sub-consultant or subordinate entity will not be paid absent such prior authorization.

#### 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

Responses must include a proposed fee schedule for the services to be rendered. Firms are reminded that the cost-effectiveness of each proposal will be considered at the time selections are made.

Payments will be approved and made only for those services rendered, which shall be indicated on invoices to be submitted no less than every thirty (30) days. Invoices shall be limited to one matter; work for multiple matters shall be segregated on separate invoices. Invoices shall be accompanied by a Town of Oyster Bay claim form, which will be provided at the outset of any assignment.

**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).