

Project: Legal Services

Date: January 6, 2023

RE: Addendum #3

of Pages: 2

The following are questions received in response to the Legal Services RFP. Answers to all questions are shown in italics immediately following the question.

1. The link to the “Your MBE/WBE Utilization and Reporting Responsibilities Under Article 15-A” does not work. Is there anything that needs to be completed in this link?

The link originally provided in the “Getting Started” section should be replaced by the following link: <https://ny.newnycontracts.com/>. This link provides access to the New York State Contract System, which provides information for New York State contract holders to navigate the New York State MBE/WBE requirements and responsibilities and report on utilization where necessary. Nothing on this website needs to be completed as part of your proposal, however, use of the website may be necessary during the term of an awarded contract.

2. In the section on required attachments starting on page 6, it includes as number 3 “Response to the question regarding the use of New York State businesses set forth in Section XII.” Section XII is the Iran Divestment Act, does it mean Section XIII?

Yes, the reference should be to Section XIII

3. Exhibit B states, “...Proposers need not submit MWBE utilization plans at this time.” Does that refer to the form titled, “HUGH L. CAREY BATTERY PARK CITY AUTHORITY MBE/WBE UTILIZATION PLAN” in the vendor response questionnaire packet?

*The Reference in Exhibit B to “MWBE utilization plans” does refer to the form titled “HUGH L. CAREY BATTERY PARK CITY AUTHORITY MBE/WBE UTILIZATION PLAN” in the vendor response questionnaire packet. **That form does not need to be completed or submitted as part of your proposal.***

4. Section C.3 on pg. 9 of the RFP states we must include a “response to the question regarding the use of New York State Businesses set forth in Section XII.” Please confirm that the question is located in Section XIII: Encouraging Use of New York State Businesses in Contract Performance instead of Section XII: Iran Divestment Act.

Yes, confirmed.

5. In order to provide complete answers to questions in Section B. of the proposal, can we provide additional details in an appendix?

Please provide brief answers to each of the questions in the Proposal – additional and/or reference documents such as resumes and exceptions to the form of retainer should be provided in the appendix and will not count towards the page limit in such instances, a sufficient response to the question would be “please see response in the appendix.”

6. Exhibit B states that the utilization plan does not need to be submitted with the proposal, but question 8 on the Diversity Practices questionnaire indicates that the utilization plan does need to be completed. Please clarify if the MBE/WBE utilization plan needs to be submitted with the proposal.

Per the response to Question 3, above, the form does not need to be completed at this time.

7. To the extent conflict waivers from BPCA are requested, does BPCA anticipate generally granting them in the ordinary course of business?

This would be determined on a case-by-case basis and would generally be dependent on the nature of the actual or potential conflict and the ability of the firm to demonstrate its ability to create a firewall between BPCA's matter and the conflicting client.

8. Due to the three-year duration of the RFP, would BPCA be amenable to rate increases during the term of the engagement? Our firm typically increases rates annually.

Proposers should submit their rates, inclusive of any annual escalation during the initial three-year term as well as the option years, in their Cost Proposal. The rates quoted per year should be the rates the firm is prepared to provide to BPCA for the duration of that year.

9. Regarding the 10-page limit, does that refer to 10 pages per practice area submitted or 10 pages total for the technical submission?

Firms should provide a brief description of each practice area that they are proposing on in the Proposal. Additional material such as resumes and a more detailed description of experience/references in multiple practice areas may be included in an appendix, however the appendix should not be used as a means to circumvent the page limit.

10. The proposal allows a law firm to identify and explain any exceptions to the standard retainer agreement. Please confirm the process for proposing any specific conflict waiver language which would be a necessary modification for us in the proposed engagement letter.

Please provide any additional language that your firm would like added to the retainer agreement in an appendix to the proposal – as noted above, appendices will not count towards the Proposal page limit. BPCA will take any proposed additional language under consideration when entering into any eventual retainer agreement.

By signing the line below, I am acknowledging that all pages of the addendum have been received reviewed and understood, and will be incorporated into the bid price submitted. This document must be attached to the proposal for consideration.

Print Name

Signature

Date

Number of pages received: _____ <fill in>

Distributed to: All present and all prospective Proposers

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