

REQUEST FOR PROPOSALS
PROFESSIONAL LEGAL SERVICES CONTRACTS
UTICA URBAN RENEWAL AGENCY

The UTICA URBAN RENEWAL AGENCY (URA) is requesting proposals (RFP) from qualified individuals and firms to provide legal services relating to property acquisition, land use, and urban renewal projects. Using this RFP, the URA intends to establish a contractual relationship with an attorney or firm who will be able to represent the URA in various proceedings and projects related to urban renewal. One or more individual/firms may be selected to provide services. If selected, a retainer agreement will be requested at a compensation rate agreed upon. Counsel will have a close working relationship with the City of Utica Corporation Counsel's Office, which acts as general counsel to the URA.

Copies of the complete Request For Proposals may be obtained from the City of Utica's website at www.cityofutica.com or by sending an e-mail request to khartnett@cityofutica.com

The deadline for delivery of responses to this request is no later than 4 PM on Thursday, August 23, 2018.

REQUEST FOR PROPOSALS

PROFESSIONAL LEGAL SERVICES CONTRACTS: LAND USE AND DEVELOPMENT

PURPOSE OF REQUEST

The UTICA URBAN RENEWAL AGENCY (URA) is requesting proposals (RFP) from qualified individuals and firms to provide legal services relating to property acquisition, land use, and urban renewal projects. Using this RFP, the URA intends to establish a contractual relationship with an attorney or firm who will be able to represent the URA in various proceedings and projects related to urban renewal. One or more individual/firms may be selected to provide services. If selected, a retainer agreement will be requested at a compensation rate agreed upon.

PERIOD OF SERVICES

Open ended.

SCOPE OF SERVICES

It is the intent of the URA to solicit a statement of qualifications and experience from individuals and firms who have expertise in the provision of professional services as described below. Respondents must demonstrate that they will have the continuing capabilities to perform these services.

The URA is seeking counsel to provide consultation and litigation services to the URA in the context of land use and development, particularly in the context of Urban Renewal activities. Experience in SEQR, eminent domain/condemnation proceedings, public authorities law, and commercial real estate transactions is required. Counsel will have a close working relationship with the City of Utica Corporation Counsel's Office, which acts as general counsel to the URA.

Counsel may, on an as needed basis, also be assigned and required to provide representation in related litigation, including but not limited to, preparation of pleadings, motions, and discovery documents; participation in all discovery including attendance at all depositions; participation in and attendance at settlement conferences, pre-trial motions, trials, and appeals.

Counsel may be called upon to attend meetings with the URA board and/or the Utica Common Council.

Counsel may also be called upon to provide other types of legal services of a specialized nature related to the subject matter of this RFP.

PROFESSIONAL INFORMATION REQUIREMENTS

QUALIFICATIONS STATEMENT

Respondent shall submit a description of its overall experience in providing the type of services sought. At a minimum, the following information on past experience should be included as appropriate:

- A. Name, address and contact information of references.
- B. Names and resumes of attorneys who will be assigned to provide legal services to the URA if the URA awards a contract to Respondent.
- C. List all immediate relatives of Principal(s) of Respondent who are URA or City of Utica employees or elected officials of the City of Utica. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws.
- D. Limits of malpractice insurance coverage with certification that the same will be maintained to the extent necessitated by the URA.
- E. A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other municipal/government clients. Contact information for the recipients of the similar services must be provided. The URA may obtain references from any of the parties listed.
- F. Respondents must demonstrate a proven record of cases tried before the Federal and State Courts in the NYS Supreme Court Fifth Judicial District.
- G. The number of years Respondent has been in business under the present name.
- H. The number of years Respondent has been under the current management.
- I. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If any exist, please explain.
- J. Whether the Respondent is now or has been involved in any bankruptcy or reorganization proceedings in the last ten (10) years. If yes, please explain.
- K. Confirmation of appropriate federal and state licenses.
- L. Respondents must list all cases where they represented the URA or the City of Utica; or in which they sued the URA or City of Utica; or in which they represented a client that sued the URA or the City of Utica,

or where they have represented a client before any agency of the URA or the City of Utica within the last five (5) years.

- M. Proposed Billing Rate Structure, including, but not limited to, hourly rates and alternative fee arrangements.
- N. Results obtained for the URA or the City of Utica, or other municipality/governmental entity, in the past three (3) years in providing legal service of the type requested.

CONDITIONS

Upon submission of a Qualification Statement in response to this RFP, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- This RFP does not commit the URA to issue a contract.
- All costs incurred by the Respondent in connection with responding to this RFP shall be borne solely by the Respondent.
- The URA reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFP, or a Qualification Statement that is not responsive to the requirements of this RFP.
- The URA reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information.
- All responses will be treated as confidential, unless otherwise required by law.
- The URA may request Respondents to send representatives before the URA board for interviews.
- Neither the URA, nor its officers, officials or employees shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

The URA reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFP and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFP.
- To supplement, amend or otherwise modify the RFP through issuance of addenda to all prospective Respondents who have received a copy of this RFP.
- To waive any technical non-conformance with the terms of this RFP.
- To change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFP.
- To conduct investigations of any or all of the Respondents, as the URA deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.
- To suspend or terminate the procurement process. If terminated, the URA may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.
- The URA shall be under no obligation to complete all or any portion of the procurement process described in this RFP.

EVALUATION CRITERIA

In selecting the proposer(s) with whom to commence contract negotiations, and in ultimately awarding this RFP, the URA will choose the proposal(s) from the responsible proposer(s) that is/are advantageous to the URA, and otherwise in accordance with the URA's procurement policy.

In order to determine what proposal(s) is/are most advantageous, the URA will evaluate all proposals on the basis of the criteria specified below. These criteria are not necessarily listed in order of importance. The URA reserves the right to weigh its evaluation criteria in any manner it deems appropriate. While price will be a factor in consideration of the proposals, it is not the sole criterion.

The criteria for evaluation is as follows:

- 1.) Proposer's demonstrated ability to provide the solicited legal services.
- 2.) Evaluation of the professional qualifications, background and

resume(s) of the individual(s) proposed to be involved in providing the solicited legal services.

- 3.) Proposer's experience performing the legal services solicited.
- 4.) Evaluation of the proposer's fee proposal. It should be noted that fees are not the only consideration, but it is an important one. The fee structure shall remain in effect through December 31, 2020.
- 5.) A determination that the proposer has submitted a complete and responsive proposal as required by this RFP.
- 6.) An evaluation of the proposer's projected approach and plans to meet the requirements of this RFP.

SUBMISSION REQUIREMENTS

This RFP may be responded to in one of two ways:

1. Please submit one (1) original and nine (9) copies of the RFP on white 8.5" x 11" paper no later 4:00 p.m. on May 23, 2018 to:

William M. Borrill, Esq.,
General Counsel
Utica Urban Renewal Agency
1 Kennedy Plaza
Utica, New York 13502

Each proposal package must be delivered in a sealed envelope that is clearly marked: LEGAL SERVICE PROPOSAL – LAND USE AND DEVELOPMENT

2. Please submit one (1) PDF of your response via email to khartnett@cityofutica.com with the subject line clearly marked: LEGAL SERVICE PROPOSAL – LAND USE AND DEVELOPMENT

Once delivered, proposals will be secured unopened so long as the envelope is marked as described above. Telephone and facsimile proposals will not be accepted.

Each proposer's proposal must be received by the URA by the stated due date. The URA is not responsible for any internal or external delivery delays that may cause the proposer's package to arrive beyond the deadline. To be considered, a proposal package MUST arrive in the place specified herein and be time-stamped prior to the deadline.