

## **SOLICITATION FOR PRE-QUALIFIED LEGAL COUNSEL (SUPPLEMENTAL)**

### **Description of Goods or Services to Be Bid**

The New York State Urban Development Corporation d/b/a the Empire State Development Corporation (“ESDC”) is seeking proposals from law firms to represent ESDC, or its subsidiaries, in connection with economic development projects across New York State involving various public and private sector parties. Firms must have substantial, demonstrable, experience in major real estate and other economic development projects within New York State. ESDC is seeking proposals from firms, large and small, that have expertise in one or more of the following areas of law (including in each instance, litigation capabilities): (1) real estate and land use; (2) construction; (3) environmental; (4) condemnation; (5) bankruptcy; (6) labor; and (7) taxation.

The purpose of this solicitation is to supplement the list of pre-qualified counsel for ESDC representation in diverse projects that was adopted by the ESDC Board in 2008, following a solicitation that appeared in the Contract Reporter on June 30, 2008. PLEASE NOTE: FIRMS INCLUDED IN THE 2008 PRE-QUALIFIED COUNSEL LIST SHOULD NOT RESPOND TO THIS SOLICITATION. THEY WILL REMAIN ON THE EXISTING PRE-QUALIFIED LIST UNTIL ITS EXPIRATION IN AUGUST, 2012. This solicitation seeks to supplement, not replace, the existing pre-qualified counsel list.

Note that inclusion on the pre-qualified counsel list does not mean or imply that any firm will in fact be selected or engaged to provide legal services to ESDC or its subsidiaries. Such selection and engagement will take place only when a need for outside counsel arises. The purpose of the pre-qualified list is to have a pool of counsel available for engagement on short notice.

### **Eligibility and Qualifications:**

Interested firms must submit a letter of interest indicating which of the practice areas above they are interested in serving as ESDC counsel, together with a firm resume and detailed information regarding the applicable field of practice. Public sector experience is preferred but not required. The firm’s commitment to affirmative action, including hiring, retention and partnerships for women and minorities should be documented. If the firm anticipates that minority or women attorneys will be assigned to ESDC matters within the specified practice areas, please so state and provide details. Eligible firms must have a New York State office and will be subject to ESDC contracting requirements including, among other things, limitations on hourly fees (for example, the current maximum partner rate is \$400/hour). Compliance with State Tax Law § 5-a is also required. See attachments for contractual requirements.

### **Permissible Contacts:**

Pursuant to State Finance Law (“SFL”) §§139-j and 139-k, this solicitation imposes certain restrictions on communications between ESDC and a potential respondent during the procurement process. A respondent is restricted from making contacts from the date of publication through final decision of ESDC to other than designated staff-member(s) named below, unless it is a contact that is included among certain statutory exceptions set forth in SFL §139-j(3)(a). ESDC employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the respondent

under the SFL. Findings of non-responsibility can result in rejection for contract award and in the event of 2 findings within 4 years, the respondent is debarred from obtaining governmental contracts. For more information, see

<https://www3.ogs.state.ny.us/legal/lobbyinglawfaq/default.asp>.

The designated contact person for this solicitation is Simon Wynn, Senior Counsel, ESDC, 633 Third Avenue, New York, NY 10017-8109. Mr. Wynn can also be reached by phone at (212) 803-3755 and by email at [swynn@empire.state.ny.us](mailto:swynn@empire.state.ny.us).

**Minority and Women-owned Business Provisions:**

ESDC non-discrimination and affirmative action policy will apply to this contract. Certified minority and women-owned firms are invited to respond to this solicitation.

**Proposal Due Date and Requirements:** Written proposals must addressed to Simon Wynn, Esq and be received by ESDC by 12 noon on October 15, 2010. Electronic submissions will not be accepted. Include 5 copies of the required submissions, and one on disk (pdf format preferred). Note that forms required under SFL §§139-j and 139-k, as well as certification under State Tax Law § 5-a, should be executed and included in the submission.