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Homes and Community Renewal

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Questions and Answers Request for Proposals (“RFP”) for Bond Counsel Services Issued: January 11, 2021

Updated February 8, 2021

- 1. In lieu of providing the last two years of the firm’s most recent tax returns or, if available, audited financial statements, can we provide a multi-year summary of our firm’s revenue, partnership profit, revenue per lawyer and profits per equity partner as demonstration of our fiscal health? (Section 8.4.2 of the RFP).**

No, the Proposer must provide the information indicated in 8.4.2 of the RFP to demonstrate fiscal health.

- 2. Is Schedule I included in the ten-page limit for Tab 2? The first paragraph of Question 8.2 states that “references” are not included, but references are just one of the four categories of information to be provided in Schedule I.**

Schedule I is not included in the 10 page limit for Tab 2.

- 3. May Agency transactions be included in Schedule I?**

Yes.

- 4. Is Tab 2 a 10 page limit max for each agency or a 10 page max in total, regardless of how many agencies we are applying to?**

The 10 page limit max is for each Agency.

- 5. Please confirm in Tab 2, Question 2 (page 15 of RFP), if we are to provide a list of up to ten (10) bond issuances combined for single family housing, multi-family housing, municipal bond bank or tobacco securitization issues in the last three, or up to 10 for each?**

Provide a list of up to ten (10) bond issuances combined for single family housing, multi-family housing, municipal bond bank or tobacco securitization issues in the last three years.

6. Regarding section 4.2 on page 10 of the RFP, if there are no relevant SDVOB firm's listed on the NY approved list to perform this work, can we note this in our good faith effort form?

Yes.

7. Please confirm if we partner with a MBE/WBE/SDVOB firm, are they required to complete/sign any of the forms in addition to what the Prime Responder completes/signs?

The MBE, WBE, SDVOB firms are required to complete/sign their own set of forms.

8. Page 8, Question 2 states: "Proposals may be submitted separately for HFA, SONYMA, MBBA or TSFC programs or may be submitted for all the Agencies collectively." This seems to state that a firm seeking selection for more than one Agency may submit a separate proposal for each such Agency. Is this the case?

Yes.

9. If it is the case, would each separate proposal have a separate 10-page limit for Tab 2?

Yes.

10. If we are able to select both a certified MBE and WBE at 15% each, does that mean that there would be 3 firms acting as co-bond counsel on one deal? Or that we would act as co-bond counsel with the MBE firm on some deals and with the WBE firm on other deals?

No more than two firms will work on a single transaction. The selected Proposer(s) awarded the contract will serve as Bond Counsel to the Agency and may rotate subcontractors as Agency deals are assigned.

11. In addition to the MBE and WBE firms completing their own forms, can you please confirm that the only additional information we would need to collect from these firms would be for each MBE/WBE to answer Question 9 in Tab 2 (Technical Proposal) and address each question in the Tab 3 (Cost Proposal)?

In addition to the MBE and WBE firms completing their own forms, the Proposer (*and not the subcontractor*) is responsible for responding to Question 9, which entails, in part, the Proposer reaching out to the subcontractor(s) for certain information.

12. Regarding RFP, Page 10, Section 4.1 – Are MWBE firms permitted to submit proposals individually and joint proposals with majority firms? If yes, can the MWBE firm submit joint proposals with more than one majority firm?

MWBE firms are permitted to submit proposals individually and joint proposals with majority firms. In addition, MWBE firms may submit joint proposals with more than one majority firm.

13. Does our proposed MWBE co-counsel have to comply with the requirements of Section 8.4.1 regarding Insurance Requirements and Section 8.4.2 regarding Financial Capacity?

Yes.

14. What law firm or individual attorney currently provides, or most recently provided, bond counsel services to the Agencies (as defined in the RFP)?

The Agency does not wish to disclose this information.

15. What are the present, or most recent, hourly rates charged by those firms or attorneys?

The Agency does not wish to disclose this information.

16. For the most recent contract term, what were the total fees and fees per transaction charged by those firms or attorneys?

The Agency does not wish to disclose this information.

17. For proposals submitted jointly with a MWBE and/or SDVOB firm, will both firms be subject to all requirements listed in the RFP, such as Article 15-A and Article 17-B requirements, or can the response be structured so that only one firm (e.g., a lead firm) is subject to such requirements?

The response should be structured so that only one firm, the firm serving as bond counsel (i.e., the lead firm), is subject to the Article 15-A and Article 17-B requirements.

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