

NEW YORK STATE HOUSING FINANCE AGENCY, STATE OF NEW YORK MORTGAGE AGENCY, NEW YORK STATE AFFORDABLE HOUSING CORPORATION, STATE OF NEW YORK MUNICIPAL BOND BANK AGENCY, TOBACCO SETTLEMENT FINANCING CORPORATION, AND HOUSING TRUST FUND CORPORATION

Request for Proposals (RFP) for Legal Counsel Services

Questions and Answers - Updated April 20, 2023

Number	Topic	Questions	Answers	Posted Round
1	Scope of Services, Practice Area "Immigration Services."	1. How many U.S. immigration cases are anticipated each calendar year?	0-1	1
2	Scope of Services, Practice Area "Immigration Services."	2. What are the types of U.S. immigration cases are covered by this RFP? Nonimmigrant and immigrant? I.e. H-1B, L-1, TN	Non-Immigrant and Immigrant	1
3	Scope of Services, Practice Area "Immigration Services."	3. Are flat fees acceptable for U.S. immigration cases?	Yes, in appropriate circumstances; however, for purposes of responding to the RFP, and pursuant to Section 8.3 of the RFP, proposals must include hourly rates.	1
4	RFP Requirements	My marketing people just told me that there is a requirement in the RFP that is problematic. The proposal must include: "A statement that any attorney assigned to an Agency engagement is licensed to practice in law in the State of New York and is in good standing." I'm not licensed in New York and neither are some of the folks we will be proposing. Is this a show stopper?	The Agencies expect all attorneys who work on our engagements to be admitted to practice in New York State. However, there may be engagements from time to time where the Agencies seek advice on matters outside of New York law, and in those specific cases respondents do not need to be admitted to the Bar in New York State, but must provide evidence of relevant bar admissions.	1
5	Scope of Services, Practice Area: Coop/Condo Law"	Per page 2, page 13 Scope of Services (and others) and the request for information for Coop/Condo Law, it is possible to better understand what types of coo/condo matters are expected to arise so we can tailor the materials, please?	We sometimes get projects that implement a condominium structure to separate out different uses in the project, e.g., residential vs commercial and/or community space. In mixed income projects they may separate out portions of the residential space allocated for different income levels (with units scattered throughout the buildings). The condo work is really an offshoot of the loan work, i.e., review condo formation docs for mortgagee protections and compliance with the Reg Agreement.	1
6	RFP Requirements	Per page 23 8.5 tab 5: As we do not know what firms may be approved, and from there which matters will be awarded in what practice areas, we assume we will provide forms A and B at a later date and after matters have been assigned. Please confirm Tab 5 will only include the following in that Tab when submitted: (c) MWBE & EEO Policy Statement, PROC-4; (d) Company Demographic Profile PROC-7; (e) EEOC Statement, PROC-8, applicable to Proposers with 15 or more employees; and (f) Diversity Practices Questionnaires, PROC-9	Tab 5 will include the : MWBE & EEO Policy Statement, PROC-4; Company Demographic Profile PROC-7; EEOC Statement, PROC-8, applicable to Proposers with 15 or more employees; and Diversity Practices Questionnaires, PROC-9	1
7	RFP Requirements	Page 27 13. Contract and Policies, Standard Clauses and Requirements: If we have any exceptions to the standard contract, is there a preferred place for that to be included?	Please include exceptions at the end of the Tab 2, the Technical Proposal.	1
8	RFP Requirements	On page 17 of the RFP, Section 8.1, number 7 asks for: "A statement that any attorney assigned to an Agency engagement is licensed to practice law in the State of New York and is in good standing." Does this mean that only attorneys licensed in the state of NY will be considered for the work put forth in the RFP and, if yes, does this apply to all areas including Section 8/Federal Housing Programs, MWBE and SDVOB Law, and Contracts, all which contain components that relate specifically to federal law?	The Agencies expect all attorneys who work on our engagements to be admitted to practice in New York State. However, there may be engagements from time to time where the Agencies seek advice on matters outside of New York law, and in those specific cases respondents do not need to be admitted to the Bar in New York State, but must provide evidence of relevant bar admissions..	1
9	Scope of Services, Practice Area	In a given practice area, if a proposer is able to complete a portion of the work, although not all of the work (i.e.; bankruptcy but not foreclosure), will the response be considered incomplete and therefore subject to rejection?	No, specific practice areas are fine.	1

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10	RFP Requirements	Page 2, Section 1.6 of the 210727_venrep-questionnaire_forprofit_final_0 PDF states: 1.6 Identify Officials, Principals Oners, or Key Employees. For each person identified, include name & title, home address, social security # and percentage of ownership. Attach additional pages if necessary the below information is required*. Name & Title*, Home Address*, Social Security # (Last Four Digits)*, Percentage Ownership (Enter 0% if not applicable)* Will our RFP response be considered incomplete and therefore subject to rejection if our company's policies prevent us from sharing the home address and confidential social security number of our key employees/principal owners?	We will waive the requirement for the home address; however, for social security, the last four digits must be included.	1
11	Scope of Services, Practice Area: "Securities Litigation"	In HCR's Request for Proposals for Legal Counsel Services (HCR-RFP-230316), does the request for counsel related to 'securities litigation' include securities fraud litigation services resulting from damages suffered by securities portfolios or funds held by HCR with potentially serving as plaintiff? (Section 6: Scope of Services, Item 10: Litigation, page 14)	The securities litigation experience is primarily related to defending issuers of publicly offered tax exempt bonds by the agencies in matters that may arise in connection therewith.	1
12	Administrative	File Transmission Considerations: Is there a maximum number of files or email attachment size limit for proposals submitted electronically by email to the email address, ContractUnitInfo@hcr.ny.gov? (Section 11: Proposal Submission Requirements, top of page 25)	The maximum email size for submission of proposals is 25MB.	1
13	RFP Requirements	On page 17 of the RFP, under 8.2 TAB 2: Technical Proposal, the instructions state that the response to TAB 2A by on one-sided 8 x 11 pages. Is it correct to assume this should be 8.5 x 11 pages?	Yes, it should be 8.5 x 11 size pages.	2
14	RFP Requirements	On the same page, it states that for Tab 2A, responses should be "at least 12-point type." Is it acceptable for text in tables to be slightly smaller point type? Also, can the text in the resumes provided in Tab 2B be a smaller point type?	Font size cannot be smaller than 11 point type for resumes.	2
15	RFP Requirements	Should we complete the form Utilization Plan, PROC-2, if our firm is not an MWBE/SDVOB and if we do not intend to team with such an entity at this time?	To meet the Agencies' MWBE participation goals, the Agencies will seek to enter into direct contracts with MWBE law firms; however, in some matters, the Agencies reserve the right to ask a prime law firm to work with an MWBE law firm.	2
16	RFP Requirements	Similarly, for the MWBE & EEO Policy Statement, PROC-4, should that be completed, even if our firm is not an MWBE?	Yes.	2
17	Administrative	Are electronic signatures acceptable on the requested forms?	No, we need a scanned copy of a wet signature.	2
18	RFP Requirements	Will the rates we propose be locked for the five-year contract period? If so, is there an allowance for a yearly escalation percentage?	Proposed rates will be locked-in for a five year period. There is no allowance for an annual escalation percentage during this 5-year period.	2
19	RFP Requirements	Relating to Section 8.2, Page 17, Formatting Requirements: Please confirm the correct page size should be standard 8.5" x 11" and not 8" x 11"?	The correct page size should be 8.5" x 11".	2
20	Scope of Services, Practice Area "Immigration Services."	Page 18-19, Basic Information on Practices, Immigration: How many foreign national workers do you currently employ?	One	2
21	Scope of Services, Practice Area "Immigration Services."	Page 18-19, Basic Information on Practices, Immigration: Do you sponsor foreign workers for green cards? If so, how many green card cases do you have ongoing, and in what stages?	We have not yet but may in the appropriate circumstances.	2
22	Scope of Services, Practice Area "Immigration Services."	Page 18-19, Basic Information on Practices, Immigration: What characteristics are most important to you regarding your immigration counsel?	Cost effective competent representation.	2

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23	Scope of Services, Practice Area "Immigration Services."	Page 18-19, Basic Information on Practices, Immigration: What do you currently use as a fee model for your immigration work (ex: hourly or flat fee)?	It depends we have used both.	2
24	Scope of Services, Practice Area "Immigration Services."	Page 18-19, Basic Information on Practices, Immigration: If flat fee, can you disclose what your current flat schedule is?	No.	2
25	Scope of Services, Practice Area "Immigration Services."	Page 18-19, Basic Information on Practices, Immigration: What information from us would be helpful to you to determine whether we are good fit to be your immigration counsel?	Solid expertise in Immigration practice.	2
26	RFP Requirements	Currently we are drafting our submission for "Request for Proposal for Legal Counsel Services" and would like your guidance with the application. Under Tab 5, one of the forms to be filled out is "Utilization plan, PROC 2". Would it be possible to speak with someone on how this form is to be filled out and what is required? Presently I am not clear.	The Utilization Plan, PROC-2 will not be required as a submission document with the proposal; however, the form may be required in the future if the firm is asked to work with an MWBE/SDVOB firm on a particular engagement/matter.	2
27	RFQ Requirements	Additionally, the proposal checklist on page 28 states that responses should include: "Proposer's most recent two years of financial statements or federal tax returns." will our RFP response be considered incomplete and therefore subject to rejection if our company's policies prevent us from sharing this confidential documentation?	Proposal may be considered if the proposal includes letters from the law firm's primary banks attesting to the law firm's financial good standing.	3
28	Scope of Services, Practice Area "Immigration Services."	Page 18-19, Basic Information on Practices, Immigration: What work visa categories do your foreign national employees typically possess?	We have had one employee and that employee has a F-1 visa.	3
29	Administrative	Attorneys at this firm currently represent NYS housing authorities and private developers on projects that are funded by NYSHCR or HTFC. Would our continued representation of these clients before the Agencies – even if our representation is unrelated to any potential matter for which the Agencies would retain other attorneys at this firm (e.g. labor/employment, immigration, land use, coop/condominium, etc.) – prevent NYSHCR from retaining this firm on those unrelated matters? In other words, if we have current clients that have projects funded by HCR/HTFC in which we are project counsel, are we conflicted out of representation of HCR on all matters (even those that are unrelated to our current clients)?	The Agencies acknowledge that a Law Firm (Firm) also represents clients other than the Agency (Firm Clients) and from time to time, the Firm may be asked to represent either (a) an Agency in a matter in which one or more of the Firm's Clients is involved but where such Firm Client is represented by counsel other than the Firm or (b) a Firm Client in a transaction in which an Agency is involved but where the Agency is represented by other counsel. Please be informed that the Agency does not object to such representation subject to the following conditions: (1) the Firm has determined that such representation is consistent with the requirements of the New York Rules of Professional Conduct, including Rules 1.7, 1.8 and 1.10; (2) the Firm notified the Agency in writing of each instance in which it is relying on these provisions and whether it has also obtained the consent of the Firm Client; (3) the Firm agrees that it will not represent a Firm Client against an Agency or an Agency against a Firm Client in connection with any litigation; and (4) the Firm agrees that it will not represent a Firm Client against an Agency on a matter involving the negotiation of business or legal terms when the Firm has previously represented the Agency in a negotiation of similar business or legal terms against another party.	3