

## **NOTICE OF REQUEST FOR QUALIFICATIONS**

**Date**

**Firm  
Address**

Dear Counselor:

Suffolk County (“County”) is in the process of reviewing its general litigation, general appellate counsel and land use/zoning counsel needs and is requesting qualifications from firms that have demonstrated expertise in all, any one or a combination of some of the following areas of practice for at least ten (10) years in New York State: non-tort general litigation (for areas of law including, but not limited to, employment law and constitutional law), general appellate work, and land use/zoning.

If your firm has done general litigation (such as employment law, constitutional law, and other non-tort law), general appellate work and/or land use/zoning for municipalities, school districts, educational institutions, or the like, and you feel that your firm has both the ability and desire to provide all, any one or a combination of some of such services to the County, please notify me in writing and supply the following information:

### **I. General Litigation and Appellate Work:**

#### **1. General Information and History**

- a.** Firm name and address.
- b.** Year firm was founded.
- c.** Total number of offices for the firm, the addresses for each, and the total number of employees (partners, associates, legal assistants and staff) at each location.
- d.** Location(s) from which services will be performed and the number and names of the partners, associates, legal assistants, and staff employed at the office(s).

- e. Describe the nature of your organization (e.g., business corporation, not-for-profit corporation, proprietorship, etc.) as well as a brief history of the firm and its non-tort general litigation (such as employment law and constitutional law) and/or general appellate practice, including length of time in operation and prior experience.
- f. Describe the firm's practice areas other than non-tort general litigation and/or general appellate practice.
- g. Provide contact person and title.

## **2. Qualifications and Experience of Personnel**

- a. Provide full names of the partners, associates and other key staff in your firm and provide resumes for each individual.
- b. For each professional listed above, describe his/her qualifications and provide information regarding:
  - i. Education;
  - ii. Professional licenses and other affiliations (copies of which shall be submitted with your response);
  - iii. Number of years engaged in non-tort general litigation and/or general appellate practice;
  - iv. Other relevant work experience or qualifications; and
  - v. The role each identified person would play.
- c. Describe other accounts involving similar services, in particular identify any governmental, public authority, public agency, and/or other quasi-governmental entities in New York for which you serve or have served as general litigation counsel in connection with cases involving employment law, constitutional law, and other non-tort matters and/or general appellate counsel. Describe the role and experience of key personnel assigned to other similar accounts who will be assigned to this account.
- d. Will temporary staff also be involved? If so, include details of their supervision and training.
- e. Please list the firm's concurrent material engagements and outstanding current proposals that could impact the availability of the individuals listed in response to paragraph 2.a. above.

- f.** Provide a statement as to whether the firm is listed in any directory of general litigation counsel and/or general appellate counsel.
- g.** For the time period of 2008 to date, list all trials in which your firm participated in non-tort matters (i.e., employment law, constitutional law, etc.) which list shall include the caption, court, index number, name of the attorney who tried the case, and the outcome.
- h.** For the time period of 2008 to date, list all appeals in which your firm participated, which list shall include the caption, court, index number, name of the attorney(s) who wrote and argued the appeal, and the outcome.
- i.** Please set forth why your firm should be selected.
- j.** Please set forth any unique qualities your firm possesses that other firms do not have.

### **3. Client History**

Provide a list of all clients for whom you have provided similar services within the last five (5) years. For each client, provide the following:

- a.** Client name; and
- b.** Client address; and
- c.** Contact name, title, and telephone number; and
- d.** Description of services provided and time period.

### **4. References**

- a.** From the list provided in response to paragraph 3 above, provide three (3) references for which the firm has provided services (current governmental or quasi-governmental agencies preferred). Provide name of the organization, services, contact name and telephone number.
- b.** From the list of attorneys provided in response to paragraph 2 above, provide three (3) references for each attorney identified. Provide name of the individual or organization, services, contact name and telephone number.
- c.** Provide a list of all contracts your firm has had with the County within the last five (5) years (regardless of type of service), the time period for those services and your primary County contact.

## **II. Land Use/Zoning:**

This Request for Qualifications (“RFQ”) is being issued as part of the New York-Connecticut Sustainable Communities initiative being undertaken by a bi-state collaboration of cities, counties and regional planning organizations and managed by the Regional Plan Association (hereinafter “Consortium”). This initiative, funded with a U.S. Department of Housing and Urban Development (HUD) Sustainable Communities Regional Planning Grant, will integrate housing, economic development, transportation and environmental planning in the New York-Connecticut metropolitan area.

The goal of the Consortium is to reposition the New York-Connecticut region to fully harness its innovation capabilities in a competitive global environment, build on its strong foundation of energy efficiency, and become as equitable as it is efficient. Its primary focus is to leverage the most extensive and robust transit system in the nation by developing livable communities with mixed-income housing and employment at key nodes in the MTA Metro-North Railroad and MTA Long Island Rail Road network. Additional information on the program can be found at [www.SustainableNYCT.org](http://www.SustainableNYCT.org) and [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/sustainable\\_housing\\_communities/sustainable\\_communities\\_regional\\_planning\\_grants](http://portal.hud.gov/hudportal/HUD?src=/program_offices/sustainable_housing_communities/sustainable_communities_regional_planning_grants).

The County, a member of the Consortium, is in the process of developing recommendations for increasing the effectiveness of current transfer of development rights (“TDR”) programs in order to increase efficiency to better promote workforce housing, downtown revitalization, open space preservation, natural resource protection, transit-oriented and targeted economic development.

The County is seeking law firms that have a background in land use and zoning and have demonstrable qualifications to handle all or a portion of a variety of the following legal services including, but not limited to:

- a.** Reviewing and refining the analyses of potential TDR receiving zones, and potential sending areas based on the highest and best use based on the local and regional market conditions;
- b.** Preparing a fiscal impact analysis of the development of the potential TDR receiving zone(s), and sending zones which shall include potential fiscal impacts on local governments, local community and surrounding communities, and potential cost scenarios based on any additional costs for infrastructure investments to support increased density and intensity to determine the TDR exchange rate;
- c.** Preparing the environmental review documents as an initial step pursuant to the State Environmental Quality Review Act (SEQRA) including, but not limited to, preparing a full environmental assessment form; and

d. Drafting proposed legislation based on the above referenced analyses and a draft Suffolk County TDR study in order to amend existing County TDR programs and/or develop new County TDR programs.

## **1. General Information and History**

- a. Firm name and address.
- b. Year firm was founded.
- c. Total number of offices for the firm, the addresses for each, and the total number of employees (partners, associates, legal assistants and staff) at each location.
- d. Location(s) from which services will be performed and the number and names of the partners, associates, legal assistants, and staff employed at the office(s).
- e. Describe the nature of your organization (e.g., business corporation, not-for-profit corporation, proprietorship, etc.) as well as a brief history of the firm and its land use/zoning practice, including length of time in operation and prior experience.
- f. Describe the firm's practice areas other than land use/zoning practice.
- g. Provide contact person and title.

## **2. Qualifications and Experience of Personnel**

- a. Provide full names of the partners, associates and other key staff in your firm and provide resumes for each individual.
- b. For each professional listed above, describe his/her qualifications and provide information regarding:
  - i. Education;
  - ii. Professional licenses and other affiliations (copies of which shall be submitted with your response);
  - iii. Number of years engaged land use/zoning practice;
  - iv. Other relevant work experience or qualifications; and
  - v. The role each identified person would play.
- c. Describe other accounts involving similar services, in particular identify any governmental, public authority, public agency, and/or other quasi-governmental entities in New York for which you serve, or have served as land use/zoning

counsel. Describe the role and experience of key personnel assigned to other similar accounts who will be assigned to this account.

- d.** Will temporary staff also be involved? If so, include details of their supervision and training.
- e.** Please list the firm's concurrent material engagements and outstanding current proposals that could impact the availability of the individuals listed in response to paragraph 2.a. above.
- f.** Provide a statement as to whether the firm is listed in any directory of land use/zoning counsel.
- g.** For the time period of 2008 to date, list all trials in which your firm participated in land use/zoning matters which list shall include the caption, court, index number, name of the attorney who tried the case, and the outcome.
- h.** For the time period of 2008 to date, list all land use/zoning appeals in which your firm participated, which list shall include the caption, court, index number, name of the attorney(s) who wrote and argued the appeal, and the outcome.
- i.** Please set forth why your firm should be selected.
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Provide a list of all clients for whom you have provided similar services within the last five (5) years. For each client, provide the following:

- a.** Client name; and
- b.** Client address; and
- c.** Contact name, title, and telephone number; and
- d.** Description of services provided and time period.

### **4. References**

- a.** From the list provided in response to paragraph 3 above, provide three (3) references for which the firm has provided services (current governmental or quasi-governmental agencies preferred). Provide name of the organization, services, contact name and telephone number.

- b. From the list of attorneys provided in response to paragraph 2 above, provide three (3) references for each attorney identified. Provide name of the individual or organization, services, contact name and telephone number.
- c. Provide a list of all contracts your firm has had with the County within the last five (5) years (regardless of type of service), the time period for those services and your primary County contact.

### **III. General Questions and Conditions:**

#### **1. Conflicts of Interest and/or Potential Conflicts of Interest**

- a. Do you foresee any potential conflicts of interest arising from continued representation of the current clients of your firm and an engagement for the County?
- b. If so, please describe such potential conflicts in detail.

#### **2. Subcontractors**

- a. Does your firm utilize any outside counsel or subcontract any work relating to its non-tort general litigation and/or general appellate work and/or land use/zoning services?
- b. If so, what are the names and addresses of these attorneys and/or firms?
- c. Describe in detail the experience these attorneys and/or firms have with respect to non-tort general litigation and/or general appellate work and/or land use/zoning.
- d. Subcontractors shall be subject to approval of the County, and with respect to services under section II., the Consortium.

#### **3. Insurance**

- a. Does your firm carry professional liability insurance coverage?
- b. If yes, please supply amounts and any limitations or exclusions.

#### **4. Fees**

- a. Please provide the following information concerning fees (hourly and flat fee):
  - i. The customary hourly rate of each person whose resume is provided in response to this RFQ and the proposed hourly rates to be charged the County for work performed by those persons; and/or





- f.** The County may require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a proposal and/or to determine a firm's compliance with the requirements of the RFQ.
- g.** The County reserves the right to offer one of the services, some of the services or all of the services to one or more firms through negotiated contracts and reserves the right to select additional firms in the future for these same areas of practice and for other areas of practice. The firm or firms that may be awarded a contract pursuant to this RFQ must work closely with the County Attorney, County departments and County staff and employees with respect to such contract.
- h.** The County is committed to engaging firms that will provide high-quality services and that are dedicated to containing legal costs.
- i.** The anticipated term of the contract is: One (1) year, commencing upon execution through December 31, 2014, with three one year options to renew at the County's discretion on the same general terms and conditions.
- j.** The County may make such investigations as it deems necessary to determine the ability of a firm to perform the work. The firm shall furnish to the County, within five (5) business days of a request, all such information and data for this purpose as may be requested. The County reserves the right to reject any proposal if the information submitted by, or investigation of such firm fails to satisfy the County that such firm is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein. Conditional proposals from firms will not be accepted.
- k.** The County will execute a contract with principal firms only. Any arrangements, including fee arrangements, partnerships, or collaborations between a principal firm and subcontractors that provide services as part of the proposal, must be fully disclosed in the proposal.
- l.** Upon execution of a contract between the County and a firm, an attorney/client relationship with the County and with its elected officials, officers and employees acting in their official capacity shall be established and all communications between the firm and the County and such elected officials, officers and employees of the County shall be confidential and privileged to the fullest extent permitted by law unless such privilege is specifically waived in writing by the County Attorney.
- m.** Each firm with whom the County enters into a contract for the services solicited by this RFQ shall not, during the term of such contract, represent or agree to represent a client in any action or proceeding against the County, or against any elected official, officer or employee of the County in his/her official capacity, except with the express prior written consent of the County Attorney after full

disclosure by the firm. This prohibition shall be deemed to include and prohibit the assertion of any third party claim, counterclaim or cross-claim by the firm.

- n.** The County will not guarantee any minimum level of activity or business. No exclusive rights are, or are intended to be, granted pursuant to any award under this RFQ and the contracts with the firms for service(s) shall be only for services for such matters as the County, in its sole discretion, shall deem appropriate.

Please submit your qualifications by 5:00 p.m. on March 14, 2014. Please submit an original and five (5) copies.

Thank you.

Very truly yours,

Dennis M. Brown  
Suffolk County Attorney

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