



**Request for Proposals (RFP) to Provide Legal Services Related to the Redevelopment of Belmont Park
Addendum #1**

Release Date: February 12, 2018

The following is a list of responses to questions submitted by prospective respondents (“Respondents”) to the **Request for Proposals (RFP) Provide Legal Services Related to the Redevelopment of Belmont Park**. A copy of the RFP is available at: <https://esd.ny.gov/doing-business-ny/requests-proposals>

Request for Proposals (RFP) to Provide Legal Services Related to the Redevelopment of Belmont Park
- Responses to Questions

No.	Question	Answer
1	What is the Contract Number for this RFP?	No contract number has been assigned yet.
2	Do you have a list of Prime firms that have expressed interest in this RFP that I could reach out to to see if they would be interested in partnering?	ESD generally does not release names of bidders during the procurement process. However, we have received an expression of interest from two MWBE firms that are open to partnering with a prime on this project: Scalfone Law PLLC Ruth L. Yang, ESQ. Any other MWBEs that are interested in partnering on a submission should contact ESD immediately at belmontlegal@esd.ny.gov and ESD will update this document in real time to add their names.
3	In the RFP's section "VII. Submission of Proposals," the instruction is that proposals must be "mailed" to the address listed before 12:00 pm on March 7, 2018. Must proposals be sent via U.S. Mail, or can they be (a) sent via FedEx or another parcel service, or (b) delivered via courier or other hand delivery to the same address before the deadline?	Any delivery service is acceptable, as long as the proposal arrives at the specified address by the deadline.



No.	Question	Answer
4	<p>The RFP has a strict 12 page limit for Tab 1 of the proposals submitted. Does this page limit include (a) a cover letter to the proposal, a table of contents, and a divider page, or (b) does it apply only to the substantive contents of Tab 1?</p>	<p>The page limit applies to the substantive contents of Tab 1.</p>
5	<p>In the RFP's section "X. Procurement Forms and Requirements," there is a link on p. 13 to form OCSD-4, "Minority And Women Business Enterprise Participation Plan" to be used by respondents in submission of their Minority And Women Business Enterprise (MWBE) Utilization Plan. This form specifically references MWBEs. In addition, respondents are required to submit a Service-Disabled Veteran-Owned Business (SDVOB) Utilization Plan, and the RFP directs respondents to use form OCSD-4 on p. 14 (under SDVOB Utilization Plan subsection A). There is also a link on p. 16 to a webpage listing all SDVOB related forms, including SDVOB-100, "SDVOB Utilization Plan". Which form are we to use for the SDVOB Utilization Plan? (a) OCSD-4 as directed on p. 14, even though it specifically references MWBEs, or (b) SDVOB-100, which is available through the link on p. 16 and is specific to SDVOBs?</p>	<p>Please use updated form OCSD-4 for both the MWBE and SDVOB Utilization Plan. The new form can be found at: https://esd.ny.gov/sites/default/files/OCSD-4-Utilization-Plan.pdf</p>



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6	<p>We will make a joint submission with an MBE firm - a firm with which we have partnered before. Our submission will include details of the working relationship with the MBE. Would this partnership satisfy the requirements in section IV, paras. 8 and 9?</p>	<p>If the firm is a NYS-certified MBE firm, detailed information on the partnership may partially satisfy the requirements identified in section IV, paras. 8 and 9. However, information should still be provided on engagement and opportunities for other NYS certified WBEs and SDVOBs.</p>
7	<p>Must an SDVOB and MWBE, in addition to an MBE, also be utilized for this contract? If so, is a statement of our willingness to partner with an MWBE and SDVOB sufficient for purposes of this response?</p>	<p>The respondents must identify all opportunities within their proposal where they expect to utilize subcontractors. A statement of a respondent's willingness to partner with an MWBE and SDVOB is sufficient for purposes of this response.</p>
8	<p>In December 2017, we registered in the Vend-Rep System. Must we register again or is our existing registration acceptable for this RFP?</p>	<p>Existing registration is acceptable.</p>
9	<p>When must an MWBE Utilization Plan be submitted - upon submission of this response or after a contract is awarded?</p>	<p>An MWBE and SDVOB Utilization Plan should be submitted with the response, identifying any MWBE and SDVOB firms the respondent expects to utilize. If the firms are unknown at the time of submission, please identify this in the Utilization Plan. Please note, however, that the selected respondent will be required to submit a complete Utilization Plan within 10 business days after acceptance of the terms of the agreement/contract with ESD. Changes can be made to the Utilization Plan after this time with approval from ESD.</p>



No.	Question	Answer
10	<p>If a law firm does not need to subcontract out any of the work under the contract, must it request a waiver of the SDVOB and MWBE with the submission of its proposal or should it merely indicate in its SDVOB and MWBE Utilization Plans that it will not be using subcontractors? How can it make the MWBE Participation certifications required by OCSD-1 if it is not using any subcontractors?</p>	<p>In the proposal submitted, the respondent must identify all expected subcontracting opportunities. If the respondent has identified that there are no opportunities for NYS certified MWBE and SDVOB firms, please indicate in the Utilization Plan that there are no subcontracting opportunities. ESD’s Policy Statement, Form OCSD-1, must also be signed, even if the goals are not identified. However, ESD reserves the right to assess final goals on the project.</p>
11	<p>Per Section 1.4 of Schedule A, the winning law firm must obtain the New York State Urban Development Corporation’s approval of subcontractors. Would that section apply to vendors used by the law firm for services provided for its general business operations (e.g., word processing, records, copying, etc.), or only vendors engaged solely to perform services for ESD under the contract?</p>	<p>UDC only approves subcontractors who are engaged solely to perform services under the contract.</p>
12	<p>With respect to OCSD-1, if a law firm has an EEOC policy that addresses the matters set forth under the Non-Discrimination and EEOC Policy section of the OCSD-1, but not verbatim, must the firm revise its policy to match the language in OCSD-1 verbatim?</p>	<p>The policy need not match the OCSD-1 language verbatim. We ask that all respondents complete Form OCSD-1 as it is specific to the contract/project described in the RFP.</p>



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13	Please provide the model language regarding responsibility referenced in the first paragraph on page 9	The referenced model language can be found in Section 4.5 of Schedule A for law firms, available at: https://esd.ny.gov/sites/default/files/ScheduleA_LawFirms_0.pdf .
14	The RFP requires the utilization of an SDVOB. As a city-certified MBE and state certification pending MBE law firm, are we able request a waiver of the SDVOB utilization requirement when submitting for the RFP?	Per the RFP, please identify all subcontracting opportunities you foresee as part of your proposal. ESD will then utilize this information to determine final MWBE and SDVOB goals. If a respondent still believes that they should receive a goal waiver, please complete and submit a waiver request form and narrative for the proposal. Requests for a partial or total waiver of goal requirements established on a State contract made prior to the award of the contract may be made simultaneously with the submission of the utilization plan for that State contract. ESD will then be assess participation goals based on all information provided in the proposal. Respondents must still complete and submit all other required OCSD forms.
15	The RFP makes note of the assignment of NYAP as developer, subject to completion of environmental review. Can you please advise on the status of the environmental review? If there is a Phase I or other environmental report or plan, will it be made available to bidding law firms?	The environmental review for the Project is currently underway. ESD does not have any additional information to share publicly at this time. For a review of information made previously available, please refer to the Belmont Park Redevelopment RFP at: https://esd.ny.gov/request-proposals-long-term-lease-property-belmont-park