



**REQUEST FOR Qualifications (RFQ)
ESD LEGAL COUNSEL PRE-QUALIFIED LIST**

Release Date: October 8, 2021

Request for Qualifications for ESD Legal Counsel Pre-Qualified List

Q&A

No.	Question	Answer
1	I am interested in submitting a response to this RFQ. However, the link included in the RFQ for the State Finance Law Sec. 139-j and 139-k are not working properly. Unfortunately, it is stating that there is an error at that address. Is there another way I can access the documents?	https://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf
2	Can proposals be submitted via Facsimile?	Hard copies and Facsimile will not be accepted. All Proposals must be submitted via the designated email. LegalPreQualifiedRFQ@esd.ny.gov
3	What is the exact submission deadline?	Late submission will not be taken into consideration. All proposals are due on or before 2PM on Friday, November 12, 2021.
4	How will the Corporation deal with proposals are late due to carrier issues?	See response to question # 3.



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5	Encouraging the Use of NYS Businesses link seems to be broken, is there another way of getting this form?	https://esd.ny.gov/CorporateInformation/Data/ENCOURAGINGUSEOFNEWYORKSTATEBUSINESSESINCONTRACTPERFORMANCE.pdf
6	Our firm is a planning and development advisory firm, which means we provide many of the services requested in Section III, Paragraph A (“Real Estate and Land Use”) despite the fact that we are not a law firm. Are we precluded from submitting for the RFQ since we are not a law firm, even though we believe we could provide value to ESD depending on the scope(s) of work for upcoming project?	The purpose of this RFQ is to pre-qualify legal counsel to provide legal services to ESD on an as needed basis. As such, entities which do not provide legal services should not respond to this RFQ, even if they provide advice related to areas of practice included herein
7	OCSD-4, are we required to fill out the Total Dollar Value of Contract/Grant and submit this form with our Proposal? Or, only when we get the work?	The Total Dollar Value of Contract/Grant can be left blank for submission of a response to the RFQ; that will be applicable based on the specific future opportunities resulting from this RFQ.
8	With regards to the Vendor Responsibility Questionnaire, we’ve completed the Questionnaire and have the VendRep MBE Certificate. Will this suffice as a response in our Submission to the Administrative Proposal section ii.?	No, all sections of the RFQ should be addressed as requested, even if duplicative information is provided



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9	<p>Page 19 provides links to the OCSD-3 Workforce Utilization Report, OCSD-5-Waiver Request Form, OCSD-6 Contractor Compliance Payment Report and OCSD-7-MWBE Expedited Request Form. However, on Page 10, these are not listed as requirements for the submission. Please confirm if we are to complete and submit these forms.</p>	<p>These forms are listed for informational purposes only.</p>
10	<p>We have identified MBE, WBE and SDVOB firms that we would propose to utilize as subconsultant firms, if awarded the work. In addition to us, as the primary firm, responding to sections B-F in the Technical Proposal, can you please confirm which of these sections you also require each MBE, WBE and SDVOB subconsultant firms to provide responses to as well within our proposal?</p>	<p>Yes, subconsultant firms must provide responses to each of those sections to the extent they will be providing services in order to satisfy the M/WBE or SDVOB goals for the primary firm. In addition, make sure they are listed in the OCSD forms.</p>
11	<p>Can you please confirm which specific forms in the Administrative Proposal you need each MBE, WBE and SDVOB subconsultant firms to submit their own copies of, in addition to the completed forms provided by the Primary Responding firm?</p>	<p>See response to question #10.</p>



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12	Do we need to include certificates from each subconsultant firm evidencing their MBE/WBE or SDVOB status?	Yes
13	Would you accept an electronic notary for this form?	Yes
14	As the Primary Responding firm, we have submitted a copy of our Vendor Responsibility Questionnaire online already. To confirm, would a statement of acknowledgment that it has been upload be responsive here?	Yes, if it is already submitted, the statement of acknowledgement will suffice.
15	The RFQ notes that good faith efforts must be shown for MBE, WBE and SDVOB firms. It is our understanding that there are no initial MBE/WBE/SDVOB Contract Goals at this time, and would be determined upon the actual work. Is this correct?	This is correct.
16	Form OCSD-1 and Form OCSD-4 both note for us to provide participation percentages at this time – can we note TBD upon actual work and scope provided?	Yes



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17	Can you please confirm if there is a file size limit we need to be aware of when submitting our Technical Proposal and Administrative Proposal by email?	No specific size limit
18	We will note MBE,WBE and SDVOB subconsultant firms in our response who we would anticipate to use, if awarded the work. To confirm, are we to submit our OSCD-1, OSCD-2 and OSCD-4 forms to the Office of Contractor and Supplier Diversity at OCSD@esd.ny.gov as well when we submit our response?	At this time, please only submit the OCSD forms along with your entire proposal to the dedicated email for this RFP.
19	Again, it is our understanding that there are no participation goals for SDVOBs until a contract? Is this correct? Forms OSCD-1 and OSCD-4 ask for participation goals. Can we note TBD based on actual work, once received?	Please see number 15 and 16.
20	Is the MWBE and SDVOB Utilization Plan due at the time of proposal submission, or will you need that after firm selections are made (before contract award)?	Please see number 16.



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21	Public-private partnerships (PPP) is mentioned as part of a number of components listed in this Scope of Work item. Is this intended to encompass typical P3 work between a government agency and private sector companies that can be used to finance, build and operate large infrastructure projects?	It could encompass typical P3 work but may not necessarily include it based on ESD's needs relative to possible future projects.
22	The maximum rates listed in the RFQ are substantially lower than current market rates for national advisory work, including P3 infrastructure projects and bond financing, as well as other areas of law listed in Scope of Work on pages 2-4. Is there any flexibility to customize rates if selected for the panel or on a project-by-project basis?	No. The maximum rates listed are ESD's currently adopted maximum rates and there is no additional flexibility for this RFQ. In the event that ESD raised its maximum rates, ESD would consider making rate adjustments on existing and new engagements to reflect those higher rates.