



**CITY OF BUFFALO
NEW YORK**

DEPARTMENT OF ADMINISTRATION, FINANCE, POLICY & URBAN AFFAIRS
DIVISION OF PURCHASE
65 NIAGARA SQUARE, ROOM 1901 CITY HALL
BUFFALO, NY 14202
PHONE (716) 851-5222, FAX (716) 851-5231

**REQUEST FOR QUALIFICATIONS FOR
SPECIAL COUNSEL SERVICES**

**SUBMISSION DEADLINE
4:00 P.M.**

March 10, 2010

ADDRESS ALL QUALIFICATION STATEMENTS TO:

**David Rodriguez
Acting Corporation Counsel
The City of Buffalo
65 Niagara Square, Room 1101
Buffalo, New York 14202
(716) 851-4333**

GENERAL INFORMATION & SUMMARY

ORGANIZATION REQUESTING PROPOSAL

Corporation Counsel
City of Buffalo
65 Niagara Square, Room 1101
Buffalo, New York 14202

CONTACT PERSON

David Rodriguez
Acting Corporation Counsel
The City of Buffalo
65 Niagara Square, Room 1101
Buffalo, New York 14202
(716) 851-4333

PURPOSE OF REQUEST

The City of Buffalo (hereafter the “City”) is requesting Qualification Statements from qualified individuals and firms to provide Special Counsel Services. Qualification Statements will be evaluated in accordance with the criteria set forth in this Request for Qualifications (RFQ). Using this RFQ, the City intends to select an individual/firm who shall be available to provide legal services as needed to the City , its various Boards and its officers and employees which shall be coordinated through the City’s Office of Corporation Counsel.

GLOSSARY

The following definitions shall apply to and are used in this Request for Qualifications (RFQ):

“City” - refers to the City of Buffalo.

“Qualification Statement” - refers to the complete responses to this RFQ submitted by the Respondents.

“Qualified Respondent” - refers to those Respondents who (in the sole judgment of the City) have satisfied the qualification criteria set forth in this RFQ.

“RFQ” - refers to this Request for Qualifications, including any amendments thereof or supplements thereto.

“Respondent” or “Respondents” - refers to the interested persons and/or firm(s) that submit a Qualification Statement.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

The City is soliciting Qualification Statements from interested persons and/or firms for the provision of professional services, as more particularly described herein. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the City with the provision of such services must prepare and submit a Qualification Statement in accordance with the procedure and schedule in this RFQ. The

City will review Qualification Statements only from those persons and/or firms that submit a Qualification Statement which includes all information required to be included as described herein (in the sole judgment of the City).

The City intends to qualify person(s) and/or firm(s) that (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions as outlined in the attached **City of Buffalo Department of Law Guidelines for Outside Counsel**.

1.2. Procurement Process and Schedule.

The City has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive fair and open process to assure that each person and/or firm is provided an equal opportunity to submit a Qualification Statement in response to the RFQ. Qualification Statements will be evaluated in accordance with the criteria set forth in Section 2 of this RFQ, which will be applied in the same manner to each Qualification Statement received.

Qualification Statements will be reviewed and evaluated by the City's Corporation Counsel . The Qualification Statements will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFQ. Based upon the totality of the information contained in the Qualification Statement, including information about the reputation and experience of each Respondent, Corporation Counsel will determine which Respondents are qualified (professionally, administratively and financially).

The RFQ process commences with the issuance of this RFQ. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The City reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFQ or the RFQ process shall be directed to the City's Designated Contact Person, in writing.

Qualification Statements must be submitted to, and be received by the Office of Corporation Counsel , via mail or hand delivery, by 4:00 p.m. March 10, 2010.

Qualification Statements will not be accepted by facsimile or e-mail transmissions.

Qualification Statements shall be opened in public in the City of Buffalo Corporation Counsel' Conference room, located at 65 Niagara Square, Room 1108, Buffalo, New York 14202 on March 11, 2010 at 4:00 P.M.

Subsequent to issuance of this RFQ, the City (through the issuance of addenda to all persons and/or firms that have received a copy of the RFQ) may modify, supplement or amend the provisions of this RFQ in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the City.

TABLE 1

ANTICIPATED PROCUREMENT SCHEDULE

ACTIVITY DATE

1. Issuance of Request for Qualifications February 24, 2010.
2. Receipt of Qualification Statements Due by 4:00 p.m. March 10, 2010
3. Review Process/Determination March 12, 2010

1.3. Conditions Applicable to RFQ.

Upon submission of a Qualification Statement in response to this RFQ, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- * This document is an RFQ and does not constitute a Request for Proposals (RFP).

- * This RFQ does not commit the City to issue an RFP.

- * All costs incurred by the Respondent in connection with responding to this RFQ shall be borne solely by the Respondent.

- * The City reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFQ from further consideration for this procurement.

- * The City reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFQ, or a Qualification Statement that is not responsive to the requirements of this RFQ.

- * The City reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFQ, or otherwise request additional information.

- * All Qualification Statements shall become the property of the City and will not be returned.

- * All Qualification Statements will be made available to the public at the appropriate time, as determined by the City (in the exercise of its sole discretion) in accordance with law.

- * The City may request Respondents to send representatives to the City for interviews.

- * Any and all Qualification Statements not received by the Corporation Counsel 's Office by 4:00 p.m. March 10, 2010 will be rejected. *

Neither the City, nor its officers, officials or employees shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

1.4. Rights of City.

*The City reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFQ and the procurement process in accordance with the provisions of applicable law:

*To determine that any Qualification Statement received complies or fails to comply with the terms of this RFQ.

*To supplement, amend or otherwise modify the RFQ through issuance of addenda to all prospective Respondents who have received a copy of this RFQ.

*To waive any technical non-conformance with the terms of this RFQ.

* To change or alter the schedule for any events called for in this RFQ upon the issuance of notice to all prospective Respondents who have received a copy of this RFQ.

*To conduct investigations of any or all of the Respondents, as the City deems necessary or convenient, to clarify the information provided as part of the Qualification Statement and to request additional information to support the information included in any Qualification Statement.

*To suspend or terminate the procurement process described in this RFQ at any time (in its sole discretion.) If terminated, the City may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.

The City shall be under no obligation to complete all or any portion of the procurement process described in this RFQ.

1.5. Addenda or Amendments to RFQ.

During the period provided for the preparation of responses to the RFQ, the City may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the City and will constitute a part of the RFQ. All responses to the RFQ shall be prepared with full consideration of the addenda issued prior to the Qualification Statement submission date.

1.6. Cost of Qualification Statement Preparation.

Each Qualification Statement and all information required to be submitted pursuant to the RFQ shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the City, its officers, officials or employees for reimbursement for the payment of costs or expenses incurred in the preparation of the Qualification Statement or other information required by the RFQ.

1.7. Qualification Statement Format.

Qualification Statements must cover all information requested in this RFQ. Qualification Statements which in the judgment of the City fail to meet the requirements of the RFQ or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

SECTION 2

SCOPE OF SERVICES

The Law Department of the City is seeking land use/transactional, labor and employment litigation and defense counsel services as it is frequently called upon to provide outside counsel for the defense and representation of City officials/officers/directors/employees and its various agencies. The subject matter of such litigation includes tort and other insurable claims against the City. Land use and transactional matters may include complex land sales and purchases by the city of Buffalo including complex environmental issues. Labor and employment matters range from Administrative proceedings to trial level work in all courts. Counsel will have a close working relationship with the Corporation Counsel's office.

The City is requesting Qualification Statements for Litigation/Defense, land use transactional matters and labor and employment. Counsel will, on an as needed basis, be assigned and required to provide representation in all aspects of transactional and litigation, including but not limited to, preparation of pleadings, motions, and discovery documents; participation in all discovery including attendance at all depositions; participation in and attendance at settlement conferences, pre-trial motions, trials, and appeals. Counsel may be called upon to attend meetings. Counsel may also be called upon to provide other types of legal services of a specialized nature.

PROFESSIONAL INFORMATION REQUIREMENTS

A. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:

SECTION 3

SUBMISSION REQUIREMENTS

3.1. General Requirements.

The Qualification Statement submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Qualification Statement. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

3.2. Administrative Information Requirements.

The Respondent shall, as part of its Qualification Statement, provide the following information:

1. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Qualification Statement.
2. An executed Letter of Qualification and Intent.
3. Name, address and telephone number of the Respondent submitting a Qualification Statement pursuant to this RFQ, and the name of the key contact person.

A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each Respondent, its ownership and its organizational structure.

1. Provide the names and business addresses of all Principals of the Respondent submitting the Qualification Statement. For purposes of this RFQ, "Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who has any operational control over the Respondent, and every stockholder having an ownership interest of 10% or more in the firm.
2. If a Respondent is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature

and extent of the parents' approval rights over the activities of the Respondent submitting a Qualification Statement. Describe the approval process.

3. If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
4. A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
5. The number of years Respondent has been in business under the present name.
6. The number of years Respondent has been under the current management.
7. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.
8. Whether the Respondent is now or has been involved in any bankruptcy or reorganization proceedings in the last ten (10) years. If yes, please explain.
9. Confirm appropriate federal and state licenses to perform activities.
10. Provide proof of Errors and Omissions Insurance acceptable to City

3.3. Professional Information Requirements.

a.

Respondent shall submit a description of its overall experience in providing the type of services sought in the RFQ. At a minimum, the following information on past experience should be included as appropriate to the RFQ:

1. Description and scope of work by Respondent.
2. Name, address and contact information of references.
3. Explanation of perceived relevance of the experience to the RFQ.

b.

Brief description of Respondent's relevant clients including municipal government clients during the last three (3) years.

c.

Resumes of key employees.

d.

Names and resumes of attorneys who will be assigned to provide legal services to the City.

e.

A narrative statement of the Respondent's understanding of the City's needs and goals.

Qualification Statements must be received by the City no later than 4:00 p.m. March 10, 2010, and must be mailed or hand-delivered to Corporation Counsel , 65 Niagara Square, Room 1101, Buffalo, New York 14202. Qualification Statements forwarded by facsimile or e-mail will not be accepted.

To be responsive, Qualification Statements must provide all requested information, and must be in strict conformance with the instructions set forth herein. Qualification Statements and all related information must be bound, and signed and acknowledged by the Respondent.

SECTION 5

EVALUATION

The City's objective in soliciting Qualification Statements is to enable it to select a Respondent that will provide high quality and cost effective services to the citizens of Buffalo. The City will consider Qualification Statements only from Respondents that, in the City's sole judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the City in the manner described in this RFQ. Qualification statements will be evaluated by the City on the basis of which is the most advantageous, experience and other factors considered. The evaluation will consider:

1. Experience and reputation in the field; and
2. Knowledge of New York municipal corporations; and
3. Familiarity and expertise in Labor and employment matters; and
4. Complex transactional dealings; and
5. Availability to accommodate the required meetings of the City; and
6. Litigation experience and results in the areas of law described in Section 2 of this RFQ; and
7. Pertinent government experience; and

8. Other factors demonstrated to be in the best interest of the City.

The City will select the most advantageous Qualification Statements based on all of the evaluation factors set forth in this RFQ.

Each Qualification Statement must satisfy the objectives and requirements detailed in this RFQ except as otherwise stated. Successful Respondents shall be determined by an evaluation of the total content of the Qualification Statement submitted. The City reserves the right to not select any of the Qualification Statements;

The City shall not be obligated to explain the results of the evaluation process to any Respondent.

Submission Requirements

RFQ must be postmarked or hand-delivered no later than 4:00 p.m. March 10, 2010 to:
David Rodriguez
Acting Corporation Counsel
City of Buffalo
65 Niagara Square, Room 1101
Buffalo New York 14202

Please submit one original and five (5) copies of the RFQ on white 8 ½" x 11" paper