

**REQUEST FOR PROPOSALS  
ENVIRONMENTAL COUNSEL AND LAND USE COUNSEL**

**LOWER MANHATTAN DEVELOPMENT CORPORATION**

*The Lower Manhattan Development Corporation, a subsidiary of  
the New York State Urban Development Corporation  
d/b/a Empire State Development Corporation,  
seeks proposals and statements of qualifications for legal counsel  
on environmental and land use requirements relating to areas of  
Manhattan South of Houston Street, directly or indirectly affected  
by the events of September 11, 2001.*

**Lower Manhattan Development Corporation**

John Whitehead, Chairman

Louis R. Tomson, President

**April 22, 2002**

**Deadline for responses: May 20, 2002, 5:00 PM EST**

Questions must be submitted in writing no later than May 10, 2002.

## GENERAL INFORMATION

The Lower Manhattan Development Corporation (“LMDC”) is a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development Corporation (“ESDC”). ESDC is a political subdivision and public benefit corporation of the State of New York, created by Chapter 24 of the Laws of New York, 1968, as amended.

LMDC was established in the fall of 2001 to redevelop and revitalize Lower Manhattan in the aftermath of the events of September 11, 2001. As it relates to the work of LMDC, Lower Manhattan refers to all areas South of Houston Street. In fulfilling its responsibility of drafting a plan for the redevelopment and revitalization of Lower Manhattan, LMDC will need guidance to ensure full compliance with statutory and regulatory environmental and land use requirements.

Bidding firms are requested to follow the recommended guidelines and instructions contained in this Request for Proposals (RFP). In the event it becomes necessary to revise any part of this RFP, revisions will be provided to all firms who received the initial RFP.

Proposals should be prepared providing a straightforward and concise description of the bidding firm’s capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content. Each copy of the proposal should be bound in a single volume and include any documentation you may wish to submit. LMDC reserves the right to reject any or all proposals submitted if such election is deemed to be in the best interest of LMDC.

LMDC assumes no responsibility and no liability for costs incurred by the bidding firm(s) prior to the issuance of a contract.

**Subject to annual review and yearly approval by the LMDC Board of Directors, the successful bidder will be retained for two years with an option for LMDC to renew for two additional years.**

**If you choose to respond to this RFP, please prepare eight (8) copies of your proposal and deliver them to:**

Irene Chang  
Vice President, Legal Affairs  
Lower Manhattan Development Corporation  
One Liberty Plaza – 20th Floor  
New York, NY 10006

**Proposals must be received no later than 5:00 PM, May 20, 2002.**

### **Oral Presentation**

Firms submitting a proposal in response to this RFP may be required to give an oral presentation of their proposal to LMDC. This will provide an opportunity for the bidding firm(s) to clarify or

elaborate on the proposal but will in no way change the original submission.

### **Contract Terms and Other Requirements**

The contents of the proposal prepared by the successful bidding firm(s) will become a part of the contract awarded as a result of these specifications. The terms outlined should be considered all inclusive.

The successful bidding firm(s) will be required to:

- (1) work with LMDC staff and its consultants to provide legal advice to LMDC on the environmental and land use matters that may arise in connection with the planning, development, redevelopment, and revitalization of Lower Manhattan, including familiarity and facility with urban considerations, such as those relating to urban design, construction, transportation, and traffic;
- (2) maintain accurate accounting records and other evidence pertaining to costs incurred in providing services and to make such records available to LMDC at all reasonable times during the contract period and for five (5) years after the date of the final payment to the bidding firm(s) under the contract, upon request of LMDC;
- (3) assume sole responsibility for the complete effort as required by this RFP, and be the sole point of contact with regard to contractual matters, and;
- (4) refrain from assigning, transferring, conveying, subletting or otherwise disposing of the contract or its rights, titles or interest therein or its power to execute such agreement to any other person, firm, partnership, company, or corporation without the prior consent and approval in writing of LMDC.

LMDC may hire more than one firm that responds to this RFP, with each to serve as environmental counsel, land use counsel, or some combination of the two. LMDC reserves the right to terminate any contract entered into as a result of this RFP at any time, provided that written notice has been given to the firm at least thirty (30) days prior to such proposed termination date.

### **INTRODUCTION**

LMDC was established following the disastrous events of September 11, 2001 to oversee the rebuilding and revitalization of lower Manhattan, and is governed by a 16-member Board of Directors. LMDC is funded by federal appropriation to be administered by the United States Department of Housing and Urban Development through its Community Development Block Grant program. To date, \$2 billion has been allocated to LMDC under such appropriation. (See Defense Appropriations Act of 2002, Public Law 107-117.)

At LMDC's direction, ESDC will perform certain administrative and financial functions on behalf of LMDC, namely accounting, personnel, and information technology. In addition, ESDC will assist

LMDC in satisfying the reporting requirements relating to federal appropriations.

### **CONTENT OF PROPOSAL**

Please letter and number your responses exactly as the questions are presented herein, and limit to 10 one-sided pages, except item A.6, which may be included in a separately bound appendix.

Interested firms are invited to submit proposals that contain the following information:

**A. Background, Experience, and Personnel.**

1. A history of the firm's experience as environmental counsel and land use counsel for economic development organizations, municipalities, or other governmental entities.
2. A description of services to be provided.
3. A description of environmental and land use departments, including resumes of the partner(s), associates, and legal assistants who would regularly work on environmental and land use matters. Indicate the percentage of time that each of the foregoing individuals spends on environmental matters and land use, respectively.
4. A description of the scope of the firm's ability to provide related services in real estate law and governmental affairs.
5. A list of up to 5 matters in which the firm acted as environmental counsel or land use counsel. Include the client, the name of a contact person who is able to provide a reference, a description of the nature of the work, the size of the property, and the amount and the agreed on fee arrangements. Such matters, preferably, should be for properties located in New York State.
6. Copies of documents prepared by your firm for municipalities, economic development organizations, or other governmental entities.
7. LMDC intends to retain counsel on both environmental and land use matters. In the event LMDC chooses to retain separate counsel for environmental matters versus land use matters, please state which area you believe your firm is most qualified to handle and why you so believe.
8. The number of full time employees in New York State.
9. All bidding firm(s) with 50 or more employees shall submit a copy of their nondiscrimination or affirmative action plan. Bidding firm(s) with less than 50 employees shall submit a statement of commitment to equal opportunity and affirmative action executed by the chief executive officer.
10. Any other information that you believe would make your representation of LMDC superior to that of other counsel.

**B. Fees and Costs.**

11. Please detail the following:
- a. The normal hourly rate of each attorney whose resume is provided and the hourly rate you propose to charge.
  - b. Costs of any anticipated clerical support.
  - c. A schedule of all disbursements that you anticipate will result in a charge and the rate of each.
  - d. Any reduced fees charged other municipalities, economic development or nonprofit organizations, and governmental entities.
  - e. Whether you would be willing to agree to a cap on fees.
  - f. Any other fees or charges.
- Although proposed fees will be taken into account, LMDC reserves the right to negotiate a lower or different fee structure with any firm(s) selected. At present, the maximum rates paid by LMDC for legal services are as follows:
- \$300 per hour for partners
  - \$275 per hour for senior associates
  - \$250 per hour for junior associates
  - \$ 90 per hour for legal assistants

**C. Conflicts of Interest.**

12. Please submit a statement describing whether the representation of the LMDC would create any potential conflict of interest, or appearance of impropriety, relating to other clients of the firm or officers, directors, and employees of LMDC. Please indicate what procedures will be followed to detect and notify LMDC of, and resolve any conflicts of interest.
13. Indicate any pending litigation and/or regulatory action by any oversight body or entity that could have an adverse material impact on the firm's ability to serve as counsel to LMDC.

**CRITERIA FOR SELECTION**

In evaluating proposals submitted pursuant to this request, LMDC places high value on the following factors, not necessarily in order of importance:

- (a) Experience in general, and, in particular, as environmental or land use counsel on behalf of municipalities, economic development organizations, or other governmental entities.
- (b) Quality of work product. For those bidding firm(s) that have worked as environmental or land use counsel for ESDC, the quality of that work will be considered.

- (c) Innovative or outstanding lawyering by your firm which demonstrates your unique qualifications as environmental and/or land use counsel.
- (d) Demonstrated commitment of time and resources to LMDC, ESDC, or other economic development organizations.
- (e) Number, complexity, and nature of environmental or land use matters handled by the firm as well as experience as counsel for governmental entities.
- (f) Stability of staff, and availability in and facility for working with LMDC attorneys and staff.
- (g) Anticipated cost of services and willingness to work with LMDC to minimize costs.
- (h) An oral presentation will be required from the finalists and such presentation will be a factor. Engagement staff should be present at the oral presentation. (See Exhibit A, Timetable for Request for Proposals, Environmental and Land Use Counsel.)

#### **MISCELLANEOUS CONDITIONS**

- (a) The issuance of this RFP and the submission of a response by any bidding firm(s) or the acceptance of such response by LMDC do not obligate LMDC in any manner. Legal obligations will only arise on the execution of a formal contract by LMDC and the firm(s) selected by LMDC.
- (b) LMDC reserves the right (i) to amend, modify, or withdraw this RFP, (ii) to revise any requirements of this RFP, (iii) to require supplemental statements or information from any bidding firm, (iv) to accept or reject any or all responses hereto, (v) to extend the deadline for submission of responses thereto, (vi) to negotiate or hold discussions with any respondent and to correct deficient responses which do not completely conform to the instructions contained herein, and (vii) to cancel this RFP, in whole or in part, if LMDC deems it in its best interest to do so. LMDC may exercise the foregoing rights at any time without notice and without liability to any bidding firm or any other party for their expenses incurred in the preparation of the responses hereto or otherwise. Responses to this RFP will be prepared at the sole cost and expense of the bidding firm(s).
- (c) LMDC's nondiscrimination and affirmative action policy will apply.

**LOWER MANHATTAN DEVELOPMENT CORPORATION**

**Timetable for Request for Proposals  
Environmental and Land Use Counsel**

<b>Mailing of RFP</b>	April 22, 2002
<b>Bid Deadline</b>	May 20, 2002
<b>Oral Presentation</b>	May 22-24, 2002 (if requested)
<b>Final Evaluation of Proposals</b>	May 24-31, 2002
<b>Board Approval of Selections</b>	June, 2002