

**JOB TITLE:** Bond Counsel, Otsego County (NY) Industrial Development Agency (contractor); pursuant to Section 858(8)(b) of General Municipal Law; Anticipated Start Date: March 29, 2024

The Otsego County Industrial Development Agency (IDA) is seeking proposals from qualified law firms (hereinafter, "FIRM") to serve as "Bond Counsel" to the IDA. The FIRM for the IDA shall also serve as "Special Counsel" to the Otsego County Capital Resource Corporation (OCCRC).

Each firm submitting a proposal in response to this RFP shall have attorneys capable, upon request, of attending in-person meetings in Otsego County on at least a monthly basis and shall plan to, if personal appearance is not required, attend such monthly meetings of the IDA (or committees thereof) as are requested by the Board or Chairperson of the IDA Board via telephonic or video means.

**DUTIES OF FIRM:**

Perform such services as may be required by Section 858(8)(b) of the General Municipal Law; be capable of filing required PARIS reports for the IDA/OCCRC; draft IDA/OCCRC resolutions of approval; file necessary bond related documents and cause any necessary publications thereof; provide transactional advice to the IDA, local counsel, and CEO relative to purchases, leases, lease-backs, granting/denial of benefits which the IDA/OCCRC is permitted to grant/deny; guidance on best practices; coordination with local (general) counsel on IDA/OCCRC matters; identify those transactions or projects which FIRM believes FIRM is incapable of assisting the IDA/OCCRC with; reviewing and/or advising on SEQRA determinations as necessary; such other and further duties as may be requested by the IDA/OCCRC Board, CEO, or local counsel.

**FEE STRUCTURE**

Responding firms to this RFP shall propose a fee structure addressing the following:

1. What percent of the IDA's application fee shall go to FIRM, if any for initial examination of applications prior to the IDA Board's meeting with applicants or alternatively a flat amount per application for such services. This fee is designed to compensate FIRM for the initial application review, determination of basic eligibility of IDA/OCCRC benefits and enable FIRM to give a preliminary overview to the IDA/OCCRC Board, CEO and local counsel of the legal issues surrounding the application;
2. Amount to be billed by FIRM to applicants (hourly basis) for meeting with applicant throughout the process of applying to the IDA for benefits;
3. As an alternative to (2), percentage of project cost (or in the alternative, benefit cost), if any, which FIRM shall bill applicant for as part of prior to the IDA's executing documents necessary to grant benefits to applicant; if benefits are to be phased in, FIRM's fee structure should be phased in as well;
4. Hourly rate of FIRM's attorneys (by name) should FIRM be called upon to assist the IDA/OCCRC or its CEO or local counsel for projects which are not otherwise billable to an applicant;
5. Hourly rate, if any, for attending meetings of the IDA/OCCRC, including travel time billing, if any.

**HOW TO APPLY:**

Interested firms should send:

1. Firm biography including details of other IDA's represented;

2. Identify known conflicts and propose a method for addressing same;
3. Proposed retainer agreements with both IDA and OCCRC;
4. Name of primary attorney (and any identified secondary attorney) to be assigned to the IDA/OCCRC account along with his/her Curriculum Vitae or firm Biography);
5. Name and firm bio of any attorney who will be assigned on a regular basis to assist primary attorney in performing work for the IDA/OCCRC even if IDA/OCCRC will not generally have contact with such attorney;
6. Hourly billing rate, if any for services of support staff chargeable to IDA/OCCRC.

**DEADLINE TO APPLY:**

Responses should be emailed by March 7, 2024 to Meaghan Marino, Director of Finance and Administration, Otsego County IDA at MMarino@otsegonow.com with a copy to Jody Zakrevsky, at JZakrevsky@otsegonow.com. Five hard copies should also be sent to the attention of Meaghan Marino at Otsego County IDA, 189 Main Street, Suite 500, Oneonta, NY 13820 so that they are received by March 7, 2024.

**PROCUREMENT LOBBYING LAW RESTRICTED PERIOD FOR COMMUNICATIONS.** Pursuant to New York State ("NYS") State Finance Law §139-j and §139-k, this RFP includes and imposes certain restrictions on communications between the IDA/OCCC and a responding firm during the procurement process. A responding firm is restricted from contacting other than designated official from the earliest notice of intent to solicit proposals through final award and approval of a procurement contract by the IDA ("Restricted Period") unless it is a contact that is included among certain statutory exceptions set forth in NYS State Finance Law §139-j(3)(a). The IDA Board and IDA staff are required to obtain certain information when contacted during the Restricted Period. The designated IDA and OCCRC contact for this RFP is IDA/OCCRC CEO Jody Zakrevsky, who can be reached via email at JZakrevsky@otsegonow.com. Copies of any contact with CEO Zakrevsky should also be sent to MMarino of the IDA at MMarino@otsegonow.com.

**REGISTRY FOR RESPONSES TO QUESTIONS:** Questions about this RFP can be submitted in writing to Meaghan Marino with the subject line "Questions Re: RFP for IDA/OCCRC Bond Counsel" via email at MMarino@otsegonow.com with copy to Jody Zakrevsky at JZakrevsky@otsegonow.com. Firms may register to receive responses to any questions asked pertaining to this RFP by sending an email to Meaghan Marino at MMarino@otsegonow.com. Upon registering, that email address will be provided with answers to any questions sent regarding this RFP. No questions should be sent after February 22, 2024 at 5:00 PM.