

JOB TITLE: Bond Counsel, Orange County (NY) Industrial Development Agency (contractor); pursuant to Section 858(8)(b) of General Municipal Law; Anticipated Start Date: January 1, 2022

The Orange 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 Orange County Funding Corporation (OCFC).

Each firm submitting a proposal in response to this RFP shall have attorneys capable, upon request, of attending in-person meetings in Orange 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/OCFC; draft IDA/OCFC 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/OCFC is permitted to grant/deny; guidance on best practices; coordination with local (general) counsel on IDA/OCFC matters; identify those transactions or projects which FIRM believes FIRM is incapable of assisting the IDA/OCFC with; reviewing and/or advising on SEQRA determinations as necessary; such other and further duties as may be requested by the IDA/OCFC 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/OCFC benefits and enable FIRM to give a preliminary overview to the IDA/OCFC 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/OCFC 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/OCFC, 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 OCFC;
4. Name of primary attorney (and any identified secondary attorney) to be assigned to the IDA/OCFC account along with his/her CV 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/OCFC even if IDA/OCFC will not generally have contact with such attorney;
6. Hourly billing rate, if any for services of support staff chargeable to IDA/OCFC.

DEADLINE TO APPLY:

Responses should be emailed by October 29, 2021 to Michael Torelli, Chairman, Orange County IDA at MTorelli@ocnyida.com with a copy to Kelly Reilly, Project Manager at KReilly@ocnyida.com. Five hard copies should also be sent to the attention of Kelly Reilly at Orange County IDA, 4 Crotty Lane, Suite 100, New Windsor, NY 12553 so that they are received by November 3, 2021.

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/OCFC 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 OCFC contact for this RFP is IDA/OCFC Chairperson Michael Torelli, who can be reached via email at MTorelli@ocnyida.com. Copies of any contact with Chairperson Torelli should also be sent to Kelly Reilly of the IDA at KReilly@ocnyida.com.

REGISTRY FOR RESPONSES TO QUESTIONS: Questions about this RFP can be submitted in writing to Michael Torelli with the subject line "Questions Re: RFP for IDA/OCFC Bond Counsel" via email at MTorelli@ocnyida.com with copy to Kelly Reilly at KReilly@OCNYIDA.com. Firms may register to receive responses to any questions asked pertaining to this RFP by sending an email to Kelly Reilly at KReilly@OCNYIDA.com. Upon registering, that email address will be provided with answers to any questions sent regarding this RFP. No questions should be sent after October 20, 2021 at 5:00 PM.