

 **Niagara Orleans Land Improvement Corporation (NORLIC)**

**REQUEST FOR PROPOSAL**

**TO:** Licensed Attorneys/Firms

**FROM:** Andrea Klyczek, Executive Director,

Niagara Orleans Regional Land Improvement Corporation

**DATE:** November 30, 2021

The Niagara Orleans Regional Land Improvement Corporation (“NORLIC”) is currently inviting proposals from attorneys licensed to practice in New York State and interested in providing legal services as general counsel to the NORLIC and administrative services as requested.

**Background of NORLIC**

NORLIC is a Not-for-Profit Corporation created November 9, 2017, pursuant to Article 16 of the Not-for-Profit Corporation Law of the State of New York.

The purpose of NORLIC is to address the member counties problems regarding vacant and abandoned property in a coordinated manner and to further foster the development of such property and promote economic growth through the return of vacant, abandoned, and tax-delinquent properties to productive use.

**Organizational Structure**

NORLIC is governed by a seven-member board consisting of Chairperson Richard E. Updegrove (Niagara County Manager), Vice-Chairman Brian Smith (President of the Greater Lockport Development Corporation), Secretary Eric Cooper (Director of Planning for Niagara Falls) and Members: Kyle R. Andrews (Niagara County Treasurer), Michael A. Casale (Commissioner of Niagara County Department of Economic Development), Lynne M. Johnson (Chairman of the Orleans County Legislature) and Robert DePaolo (Code Enforcement Officer for the City of North Tonawanda).

The staff is comprised of a President, Andrea Klyczek, Treasurer, Amy Fisk, and Recording Secretary, Jacquiline Minicucci.

**Specifications**

All applicants shall meet or exceed the minimum requirements contained herein. It is NORLIC’S intent that this RFP shall permit competition. It shall be the applicant’s responsibility to advise NORLIC in writing, if any language, requirement, specification, etc. or any combination thereof, inadvertently restricts or limits the requirements of this RFP to a single source. Such notification must be received by the President of NORLIC not later than five (5) days prior to the date set for proposals to close.

**Proposal Questions**

Respondents may submit questions via email to the Executive Director, Andrea Klyczek at andrea.klyczek@niagaracounty.com or call her at (716) 278-8761.

**Reservations of Rights**

NORLIC reserves the right to reject all or any part of any or all proposals, to waive technical or legal deficiencies and to accept any proposal that it deems to be in the best interest of NORLIC. Any appointment resulting from this RFP will not necessarily be awarded to the attorney(s) with the lowest fees. The appointment shall be awarded to the compliant attorney(s) whose proposal best meets the needs of NORLIC, in the judgment of the board of directors of NORLIC. NORLIC reserves the right to negotiate the terms and conditions of the contract with the successful attorney(s) to obtain the most advantageous situation for NORLIC. NORLIC reserves the right to request additional information from all attorney applicants.

**Basis for award**

In reviewing proposals, NORLIC will carefully weigh:

1. Depth and breadth of experience in the practice of law, specifically those matters most often encountered by NORLIC such as corporate (Not-for-Profit law), real estate transactions, planning and zoning, general business law (contracts and agreements), general municipal law (tax foreclosure sales), Public Authority Accountability Act (PARIS) and public officers’ law (open meetings law and freedom of information).
2. Experience in the practice of law that comprises real property and contaminated property transactions. NORLIC anticipates implementation of the agreement with the NYS DEC (attached) to acquire and dispose of tax delinquent brownfield sites. Experience with NYS DEC's Brownfields Cleanup Program is preferred.
3. Ability to perform legal service promptly and in a manner that permits NORLIC to meet established deadlines, to act expeditiously in matters requiring legal counsel, and to operation in an effective and efficient manner.
4. Degree of availability for quick response to inquiries that arise out of day to day operating questions or problems and availability to accommodate attendance at meetings, public auctions and closings as necessary.
5. Degree to which the firm and/or individual attorney stay current through continued professional development and active communications with practitioners in the above fields of law.
6. Communication skills and the ability to work effectively with the staff and board of directors of NORLIC, the general public, municipal entities (elected officials) and the media.

**Services Requested**

The board is requesting a 2-year proposal from the attorney(s) to:

1. Attend all regular and special meetings of the board to offer legal advice and opinions;
2. Act as chief legal officer for NORLIC (board and staff) as requested;
3. Provide legal advice and interpret local, municipal, state and federal law as it applies to NORLIC;
4. Initiate, coordinate and defend actions and proceedings of NORLIC in all levels of the legal system in New York;
5. Conduct legal research, find relevant facts, review letters and documents, and assist in the negotiation of various commercial transactions;
6. Draft and review resolutions, contracts, deeds, leases and other written legal documents generated in the course of NORLIC’S business;
7. Assist with property sales and acquisitions as needed; conduct title searches and handle land closings for any NORLIC real estate transactions;
8. Represent NORLIC in any presentations to local municipalities, planning boards or zoning boards;
9. Provide advice and guidance on matters related to zoning, land use, assessment, environmental matters and code enforcement as it may relate to land being acquired by NORLIC, held by NORLIC for development or resale;
10. Oral and written communication skills that are essential to the position.

**Information to be Included in the Proposal**

1. Name, address, telephone number, fax number and email address/location of office;
2. Background of the attorney(s), including education, date of admittance to the New York Bar, legal training, years in business, expertise with similar entities with respect to corporate (Not-for-Profit law), real estate transactions, planning and zoning, general business law (contracts), general municipal law (tax foreclosure sales), Public Authority Accountability Act (PARIS) and public officers’ law (open meetings law and freedom of information) and how you would distinguish yourself from others likely to receive the RFP;
3. Describe your ability to attend all regular and special meetings of the board and any other meetings to offer legal advice and opinions;
4. Describe any experience in providing legal advice and interpret local, municipal, state and federal law as it applies to NORLIC;
5. Explain any experience in drafting and/or reviewing resolutions, contracts, deeds, leases and other written legal documents generated in the course of corporate business;
6. Describe experience in assisting with property sales and acquisitions as needed; conducting title searches and handling land closings for any corporate real estate transactions;
7. Describe any experience in representing similar entities in any presentations to local municipalities, planning boards or zoning boards;
8. Explain any experience in providing advice and guidance on matters related to as corporate (Not-for-Profit law), real estate transactions, planning and zoning, general business law (contracts), general municipal law (municipal In Rem proceedings), Public Authority Accountability Act (PARIS) and public officers’ law (open meetings law and freedom of information);
9. Explain how the attorney(s) will be readily available to NORLIC and its officers;
10. Describe any oral and written communication skills;
11. Describe your policy on cost overruns and the related communications with the client;
12. Provide a list of three other clients similar to NORLIC. Describe these similarities, the years you have serviced the client and provide the name and telephone number of the contact person;
13. Provide a copy of a peer review report such as Martindale-Hubbell, if available;
14. Describe any potential conflict of interest you face in considering this assignment;
15. Provide any other information deemed appropriate for this proposal;
16. Identify any past, pending or threatened litigation, judgment actions, administrative, ethics or similar body proceedings to which the attorney(s) are a party;
17. References-include three (3) references from whom comparable work has been performed. The list shall include the name of the entity, person to contact, address, telephone number and email address.

**Proposal Requirements**

The purpose of all submitted proposals is to demonstrate the qualifications, competence, depth and capability of the person or firm seeking to provide legal services to NORLIC in conformity with the requirements of this request for proposals.

The proposal should address all the points outlined in the request for proposals. The proposal should be prepared simple and economically, providing straightforward, concise description of the attorney(s)’s capabilities to satisfy the requirements of the request for proposals. While additional data may be presented, the following subjects and questions must be addressed.

**Fee Schedule**

The awarded attorney(s) will be required to provide services (1) under a monthly retainer fee format for daily/weekly communications (phone calls, emails and facsimiles) with NORLIC staff and the board and attendance at meetings; (2) a flat fee for real estate closings; and (3) an hourly rate for all other matters by each attorney, paralegal, administrative assistant and secretary.

1. Describe the amount of the monthly retainer and what is included in the retainer;
2. Please provide a flat fee for real estate closings;
3. Please provide an hourly rate for all other matters by each attorney(s), paralegal, administrative assistant and secretary.

Routine travel expenses would be the responsibility of the attorney(s). Disbursements incurred on behalf of NORLIC will be reimbursed on a monthly basis. Disbursements incurred on behalf of NORLIC greater than $500.00 must have prior approval of NORLIC staff.

**Insurance**

The attorney(s) at his/their sole expense shall acquire and maintain during the contract malpractice insurance acceptable to NORLIC and shall indemnify NORLIC, its officers, employees, servants and agents from and against any liability which they may incur, including reasonable attorney fees, to the extent that the damage, loss or liability was incurred by the negligent acts, errors or omissions of the attorney(s).

**Timeline for Selection Process**

All proposals must be submitted in writing to Andrea Klyczek, President at NORLIC, 6311 Inducon Corporate Drive, Sanborn, New York 14132 or by email to andrea.klyczek@niagaracounty.com by **4:30 pm on December 15, 2021.** Responses received after this date will not be considered. Proposal must be irrevocable for 30 days and signed by the attorney. At the discretion of the NORLIC Board the attorney may be required to make an oral presentation and participate in an interview with the Board.