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Issue Date: 9/19/2011

Contract Number: N/A

Hugh L. Carey Battery Park City Authority - Landlord Tenant/Rent Collection Counsel

Description:

Hugh L. Carey Battery Park City Authority ("BPCA") is seeking a Landlord-Tenant counsel to manage its rent collections and provide legal advice on Landlord-Tenant related issues.

BPCA is a public benefit corporation created by the legislature of the State of New York (the "State"). BPCA's enabling legislation is set forth in Section 1970, et seq., of the Public Authorities Law ("The Battery Park City Authority Act"). BPCA is a legally separate entity from the State and has its own affiliate corporation. Battery Park City consists of approximately 92 acres of landfill created, owned, and operated by BPCA, and is a mix of parkland spaces and approximately 30 commercial and residential buildings, as well as several cultural points of interest, museums, and schools. Developers are currently completing the last two buildings in BPC and BPCA is leasing Pier A from the City of New York, and developing it on the City's behalf.

BPCA is funded by collecting civic facilities charges, payments in lieu of real estate taxes (PILOT), rent and other lease payments from Ground Lease Tenants ("Tenants") underground leases, expiring in 2069. Proposer would assist BPCA in collecting these rents/fees when Tenants are delinquent - primarily, but not exclusively - against condominium residential buildings. In a given condominium building, BPCA charges an overall rent which is divided proportionately among all the unit owners. The unit owners then remit their portion to their managing agent, which collects all such payments and remits one central payment to BPCA - absent those delinquent amounts individual unit owners did not pay. The managing agent indicates these delinquent unit owners, via a shared website, to which BPCA's rent collection counsel has access. To ensure collection of rent and other delinquent amounts, BPCA's counsel then follows the detailed provisions, under that building's ground lease, usually entailing notice to the Condominium Board, a 30 day notice, a Rent Demand and appearance in housing or other court (or other action) as appropriate. Proposer would be required to access this website every month, initiate a rent collection process, negotiate settlements, prosecute court actions, interact with the managing agents from at least a dozen buildings, and advise BPCA on overall collection strategy.

Occasionally, non-payment issues may arise with residential rental buildings (which typically make one lump sum payment to BPCA each month) and/or other commercial and other tenants that occupy BPCA. Also, BPCA may seek advice relating to enforcement of its other lease provisions with tenants (signage, cooperation, quiet enjoyment, etc.).

Proposers should send (1) a firm resume, with emphasis on landlord-tenant law, rent collections, evictions, and condominiums (2) a list of the attorneys proposed to work with BPCA, along with their resumes and qualifications (3) a breakdown of hourly rates by partner, associate and support staff and typical miscellaneous (copying, travel reimbursement policies, etc.). In no event will BPCA pay a rate for any attorney or class of attorneys exceeding \$400/hour. Proposals shall not exceed 10 pages (not including cover page, mandatory documents, and resumes).

Selection will be based upon the following criteria: (45%) demonstrated experience in landlord tenant law, including litigation (and trials) and rent collection with respect to condominium, commercial and rental buildings, availability of partners, composition of proposed team, overall

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firm resources (25%) fee (20%) M/WBE component (10%) experience working with municipalities or other governmental entities

BPCA may select one or more proposers to perform these services.

Questions pertaining to this advertisement must be submitted by email to Michelle Rolon, the "Designated Contact" at michelle.rolon@batteryparkcity.org no later than 3:00 p.m. on September 27, 2011. Answers to all proposers questions will be posted on BPCA's website by 3:00 p.m. on October 4, 2011.

Proposers must meet all requirements in this advertisement and submit their response in a sealed envelope clearly marked "Landlord Tenant/Rent Collection Counsel c/o Michelle Rolon, Paralegal, Legal Department," and must be delivered to the 24th floor Front Desk at Battery Park City Authority, One World Financial Center, New York, NY 10281 (the "Designated Contact"), no later than 3:00 p.m. on the date listed below, as time stamped by BPCA's clock at the desk. BPCA WILL NOT ACCEPT LATE PROPOSALS SO PLEASE LEAVE AMPLE TIME TO PASS THROUGH SECURITY. BPCA will NOT accept proposals faxed or electronically transmitted proposals.

Other communications with BPCA personnel including Board Members, may be grounds for elimination from the selection process and, in the event of communication(s) with a person who is not the "Designated Contact" could be grounds for a finding of non-responsibility. Specifically, Proposers are restricted from making contact with anyone other than the Designated Contact during the Restricted Period, which, for purposes of this RFP shall mean the period between the time of publication of the advertisement through the approval of the procurement contract by BPCA (the "Restricted Period"). "Contacts" shall mean any oral, written, or electronic communication with the BPCA Personnel under circumstances where a reasonable person would infer that the communication was intended to influence BPCA's conduct or decision regarding the procurement. Employees of BPCA are required to obtain and record certain information about Contacts made during the Restricted Period, and to make a determination of responsibility based, in part, upon any such Contact. Failure to abide by this process may result in a finding of non-responsibility.

Applying firms must fill out the Mandatory Forms Packet located on the Battery Park City Authority website at http://www.batteryparkcity.org/pdf_n/vendor_mandatory_forms.pdf (also attached to this advertisement).

In accordance with Article 15-A of the New York State Executive Law and regulations adopted pursuant thereto, BPCA has established separate goals for participation for all State contracts. BPCA is required implement the provisions of Article 15-A and 5 NYCRR Part 143 for all State contracts (1) in excess of \$25,000 for labor, services, equipment, materials or any combination for the foregoing and (2) in excess of \$100,000 for real property renovations and construction. For purposes of this procurement, BPCA hereby establishes a goal of 15% for Minority owned Businesses Enterprises (MBE) participation and 15% for Women owned Business Enterprises (WBE) participation. As a condition of this procurement, the contractor and BPCA agree to be bound by the provisions of §316 of Article 15-A of the Executive Law regarding enforcement. Contractors must document "good faith efforts" to provide meaningful participation by certified M/WBE subcontractors or suppliers in the performance of this contract. For guidance on how BPCA will determine a contractor's "good faith efforts," refer to 5 NYCRR §143.8. Additionally, Offerors must refer to the Mandatory Forms Packet referred to above for a list of forms that must be provided in order to fully comply with Article 15-A of the New York State Executive Law and 5 NYCRR Part 143. For questions on M/WBE participation and subcontracting goals, please contact Hector L. Calderon at 212-417-2280 and/or Anthony Peterson at 212-417-2337.

"Proposer will submit with their proposal a copy of the company's EEO or Diversity policy along with a breakdown of all company staff by job classification, race and gender"

Minority Sub-Contracting Goal: 15%

Women Owned Sub-Contracting Goal: 15%

Due Date: 10/11/2011 3:00 PM

Contract Term: One year with two optional one year renewals

Location: Battery Park City New York, NY

Contact: Michelle Rolon, Paralegal Legal
Hugh L. Carey Battery Park City Authority
One World Financial Center

24th floor
New York, NY 10281
Phone: (212) 417-4235
michelle.rolon@batteryparkcity.org
www.batteryparkcity.org

Submit To: Michelle Rolon, Paralegal Legal
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