

NOTICE.
REQUEST FOR PROPOSALS, PROFESSIONAL LEGAL SERVICES CONTRACT:
OPERATIONS OF COUNTY TREASURER
WHEN APPOINTED PUBLIC ADMINISTRATOR OF ESTATES.
COUNTY OF SCHUYLER, STATE OF NEW YORK

The County Treasurer of the County of Schuyler (County Treasurer) is requesting proposals (RFP) from qualified individuals and firms to provide legal services for the County Treasurer under Sections 1128 and 1219 of the Surrogate's Court Procedure Act ("SCPA"), for the operations of the County Treasurer as Chief Fiscal Officers ("CFOs") appointed administrator of estates and related matters. Using this RFP, the Treasurer intends to establish a pool of attorneys who will be available to provide legal services and represent such estates and the public administrator as needed during the contract term. One or more individuals/firms may be selected to provide services to such estates and/or the Public Administrator. If selected, a retainer agreement will be requested at an agreed-upon compensation rate, to be paid solely from estate assets, and consistent with the provisions of the RFP, subject to Surrogate's Court approval where required by law.

Copies of the complete Request for Proposals may be obtained in person from the County Treasurer's Office, at the County's website (<https://www.schuylercounty.us/>) or by sending an e-mail request to County Treasurer Holley Sokolowski <HSokolowski@co.schuyler.ny.us> with a copy to County Attorney Steven J. Getman <SGetman@co.schuyler.ny.us>.

Each proposal package must be delivered via one of the following methods.

In a sealed envelope that is clearly marked: LEGAL SERVICE PROPOSAL – COUNTY TREASURER AS PUBLIC ADMINISTRATOR

Via email of a PDF copy to County Treasurer Holley Sokolowski <HSokolowski@co.schuyler.ny.us> with a copy to County Attorney Steven J. Getman <SGetman@co.schuyler.ny.us>, with the subject line "LEGAL SERVICE PROPOSAL – COUNTY TREASURER AS PUBLIC ADMINISTRATOR."

Telephone and/or facsimile proposals will not be accepted.

The deadline for delivery of responses to this request is 4:00 p.m. on March 1, 2021.

Dated: January 28, 2021
Watkins Glen, New York

Respectfully submitted,
Holley Sokolowski, Schuyler County Treasurer
105 Ninth St. Unit 17
Watkins Glen, NY 14891
Ph: (607) 535-8181

**REQUEST FOR PROPOSALS,
PROFESSIONAL LEGAL SERVICES CONTRACT:
OPERATIONS OF COUNTY TREASURER WHEN APPOINTED PUBLIC
ADMINISTRATOR OF ESTATES.
COUNTY OF SCHUYLER, STATE OF NEW YORK**

PURPOSE OF REQUEST

The County Treasurer of the County of Schuyler (County) is requesting proposals (RFP) from qualified individuals and firms to provide legal services for the County Treasurer under Sections 1128 and 1219 of the Surrogate's Court Procedure Act ("SCPA"), for the operations of the County Treasurer as Chief Fiscal Officers ("CFOs") appointed administrator of estates and related matters. Using this RFP, the Treasurer intends to establish a pool of attorneys who will be available to provide legal services and represent such estates and the public administrator as needed during the contract term. One or more individuals/firms may be selected to provide services to such estates and/or the public administrator. If selected, a retainer agreement will be requested at a compensation rate agreed upon, to be paid wholly from estate assets, and consistent with the provisions of the RFP as set forth below, subject to Surrogate's Court approval where required by law.

SCOPE OF SERVICES

It is the intent of the Treasurer to solicit a statement of qualifications and experience from individuals and firms who have expertise in the provision of professional services as described below. Proposers must demonstrate that they will have the continuing capabilities to perform these services.

A. General Description of Services:

Provide legal services to the County Treasurer, when appointed as Public Administrator in a particular estate, pursuant to the provisions of the New York State Surrogate's Court Procedure Act and the "Guidelines for the Operations of the Chief Fiscal Officers of New York State Appointed Administrators of Estates" promulgated by the New York State Office of Court Administration. It is the intent of this RFP that the entity chosen would serve as attorney for the particular estate in all matters, generally as follows:

(1) Probate Proceedings:

For a decedent who dies with a will, probate is the procedure for admitting the will to probate and the process of administering the testate estate that follows. In a probate proceeding, the court oversees the process of identifying and gathering the decedent's assets, paying the decedent's debts, and distributing assets to the beneficiaries. The probate process may include, but is not per se limited to:

Filing the probate petition with the original will and requesting that letters testamentary be issued to an executor. Counsel must ensure that the executor

requesting appointment:

- qualifies to act in New York; and
- has priority to act.

Proving the will.

Providing the relevant notices to beneficiaries, heirs, and other interested parties. Determining whether the surviving spouse or children, if any, have any rights to exempt property, a family allowance, an elective or pretermitted spouse's share, or a pretermitted child's share and filing the required elections or petitions regarding those rights.

Managing creditors' claims.

Preparing and serving an estate inventory.

Administering the estate by:

- collecting the decedent's probate assets and re-titling them in the name of the estate;
- filing any necessary tax returns;
- paying the taxes and expenses of administration;
- objecting to invalid creditor claims and paying valid creditor claims; and
- distributing the estate assets to the decedent's beneficiaries or heirs.

Record Keeping & Reporting, including

- an individual inventory of every item of real and personal property relating to the estate, and
- the location of such assets, except that like items of individual value of less than \$25 may be
- described in lots, and
- a record of all receipts and disbursements for the estate reflecting the date of receipt and the
- source of funds received, the date and nature of each disbursement and reference to invoices or
- other documentation supporting the disbursement, and
- a file ["the estate file"] containing all documents relating to the estate, including but not limited to pleadings, tax returns, correspondence, financial statements, investigator's reports, police vouchers, appraisals, insurance documents, receipts, invoices, and proof of payment of estate disbursements. Electronic storage of these documents shall be permissible.

Concluding the estate.

(2) Administration Proceedings:

For a decedent who dies without a will, an administration proceeding is the process for administering the intestate estate. In an administration proceeding, the court oversees the process of appointing an individual to administer the estate, called the estate administrator, identifying and gathering the decedent's assets, identifying the decedent's intestate beneficiaries, paying the decedent's debts, and distributing assets to the beneficiaries. The administration process may include, but may not be limited to:

Filing the petition for administration and requesting that letters of administration be issued to an administrator. Counsel must ensure that the administrator requesting appointment:

- Qualifies to act in New York; and
- has priority to act.

Providing the relevant notices to interested parties.

Determining whether the surviving spouse or children, if any, have any rights to exempt property or a family allowance and filing the required elections or petitions regarding those rights.

Managing creditors' claims.

Preparing and serving an estate inventory.

Administering the estate by:

- collecting the decedent's assets and re-titling them in the name of the estate;
- filing any necessary tax returns;
- paying the taxes and expenses of administration;
- objecting to invalid creditor claims and paying valid creditor claims; and
- distributing the estate assets to the decedent's heirs.

Record Keeping & Reporting, including

- an individual inventory of every item of real and personal property relating to the estate, and
- the location of such assets, except that like items of individual value of less than \$25 may be
- described in lots, and
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- source of funds received, the date and nature of each disbursement and reference to invoices or
- other documentation supporting the disbursement, and
- a file ["the estate file"] containing all documents relating to the estate, including

but not limited to pleadings, tax returns, correspondence, financial statements, investigator's reports, police vouchers, appraisals, insurance documents, receipts, invoices, and proof of payment of estate disbursements. Electronic storage of these documents shall be permissible.

Concluding the estate.

PERIOD OF SERVICES

All prices and contract terms submitted with the proposal shall be effective for a period of two (2) years from submission or until the closing of a particular estate, whichever event is later.

In regard to legal representation of an estate for which the Public Administrator has been appointed, the term of such representation shall run from retention to closing of the particular estate.

“Closing of the estate” shall be defined, generally, to mean:

- The ratification of, and indemnification for, all actions taken by the Treasurer as public administrator.
- Approval of commissions charged against the estate.
- Informal accounting or judicial accounting, as appropriate.

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COMPENSATION

Compensation paid to legal counsel shall be pursuant to a written retainer agreement or letter of engagement, and subject to court review where applicable. All compensation paid to legal counsel shall be fair and reasonable. In the absence of special circumstances, the Treasurer shall require counsel to limit their request for compensation in any estate to an amount not to exceed a maximum fee, based on the gross value of the estate (“total charges” reported in the account), as set forth below:

GROSS VALUE	PERCENTAGE
First \$750,000	6
Next \$500,000	5.5
Next \$250,000	5
Next \$500,000	4.5
Next \$3,000,000	3
Over \$5,000,000	1.5

The above provisions shall not in any way infringe on either the rights of interested parties to object to counsel fees or on the jurisdiction of the court to determine such fees

Counsel shall be required to maintain in their files contemporaneous time records for all legal services rendered, and to support their request for compensation with an affidavit of legal services that complies with the requirements of the SCPA or Uniform Rules promulgated thereunder, as applicable, and any additional requirements as directed by the Surrogate of Schuyler County. Such time records shall be provided upon request to any party to the proceeding.

All fees for services rendered and expenses shall be paid from estate assets only and in no event shall county funds be encumbered.

PROFESSIONAL INFORMATION REQUIREMENTS

Qualifications Statement

Proposer shall submit a description of its overall experience in providing the type of services sought. At a minimum, the following information on past experience should be included as appropriate:

- Explanation of perceived relevance of the experience to the services requested.
- Names and resumes of attorneys who will be assigned to provide legal services to the Treasurer if the Treasurer awards a contract to Proposer.
- List all immediate relatives of Principal(s) of Proposer who are County employees or elected officials of the Treasurer. For purposes of the above, “immediate relative” means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild, and in-laws.
- Limits of malpractice insurance coverage with certification that the same will be maintained to the extent necessitated by the County.
- Proposers must demonstrate a proven record of practice before the Surrogate’s Court of the State of New York. References are invited, but not necessary.
- Proposed Billing Rate Structure, including, but not limited to, hourly rates and alternative fee arrangements.

GENERAL CONDITIONS.

Acknowledgements and consents.

Upon submission of a Qualification Statement in response to this RFP, the Proposer acknowledges and consents to the following conditions relative to the submission and review and consideration of its Qualification Statement:

- This RFP does not commit the Treasurer to issue a contract.
- All costs incurred by the Proposer in connection with responding to this RFP shall be borne solely by the Proposer.
- The Treasurer reserves the right (in its sole judgment) to reject any Proposer that submits incomplete responses to this RFP, or a Qualification Statement that is not responsive to the requirements of this RFP.
- The Treasurer reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information.
- All responses will be treated as confidential, unless otherwise required by law.
- The Treasurer may interview proposers, in person or via telephone, at the Treasurer’s discretion.
- Neither the Treasurer, nor its officers, officials or employees shall be liable for any claims or damages resulting from the solicitation or preparation of the Qualification Statement, nor will there be any reimbursement to Proposers for the cost of preparing and submitting a Qualification Statement or for participating in this procurement process.

- Neither the County of Schuyler nor its officers, employees or agents shall, except to the extent the Treasurer is acting as Public Administrator, be liable to counsel for any fees, expenses, costs or disbursements herein. The Proposer understands and acknowledges that any liability herein rests with the estate of the decedent for which services were retained.

Reservation of Rights.

The Treasurer reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFP and the procurement process in accordance with the provisions of applicable law:

- To determine that any Qualification Statement received complies or fails to comply with the terms of this RFP.
- To supplement, amend or otherwise modify the RFP through issuance of addenda to all prospective Proposers who have received a copy of this RFP.
- To waive any technical non-conformance with the terms of this RFP.
- To conduct investigations of any or all of the Proposers, as the Treasurer deems necessary, to clarify the information provided and to request additional information.
- To suspend or terminate the procurement process. If terminated, the Treasurer may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Proposers.
- The Treasurer shall be under no obligation to complete all or any portion of the procurement process described in this RFP.

EVALUATION CRITERIA

In selecting the proposer(s) with whom to commence contract negotiations, and in ultimately awarding this RFP, the Treasurer will choose the proposal(s) from the responsible proposer(s) that is/are deemed most advantageous to the official duties of the Treasurer herein, and otherwise in accordance with the County of Schuyler's procurement policy.

In order to determine what proposal(s) is/are most advantageous, the Treasurer will evaluate all proposals on the basis on the criteria specified below. These criteria are not necessarily listed in order of importance. The Treasurer reserves the right to weigh its evaluation criteria in any manner it deems appropriate. While price will be a factor in consideration of the proposals, it is not the sole criterion.

The criteria for evaluation are as follows:

- Proposer's demonstrated ability to provide the solicited legal services.
- Evaluation of the professional qualifications, background and resume(s) of the individual(s) proposed to be involved in providing the solicited legal services.

- Proposer’s experience performing the legal services solicited.
- Evaluation of the proposer’s fee proposal. It should be noted that fees are not the only consideration, but it is an important one. The fee structure shall remain in effect through the duration of representation of the public administrator and/or the particular estate.
- A determination that the proposer has submitted a complete and responsive proposal as required by this RFP.
- An evaluation of the proposer’s projected approach and plans to meet the requirements of this RFP.
- The Treasurer may not retain as legal counsel or employ as an outside vendor any party related to the Treasurer as defined in Section IV B (4) of the “Guidelines For The Operations Of The Chief Fiscal Officers Of New York State Appointed Administrators Of Estates” promulgated by the New York State Office of Court Administration, nor may the Treasurer employ any member of the Treasurer’s staff or the spouse, child, parent or child of a staff member.
- In selecting legal counsel or outside vendors to provide services, the Treasurer shall select those who are competitive with others in the classification. In all events, the legal counsel and outside vendors chosen must have the complete confidence of the Treasurer, based upon their prior working relationship or general reputation and standing in the community.

SUBMISSION REQUIREMENTS

Each proposal package must be delivered via one of the following methods.

In a sealed envelope that is clearly marked: LEGAL SERVICE PROPOSAL – COUNTY TREASURER AS PUBLIC ADMINISTRATOR. Please submit one (1) original and two (2) copies of the response to the RFP on white 8.5” x 11” paper (single-sided only) to: Holley Sokolowski, Schuyler County Treasurer, 105 Ninth St. Unit 17, Watkins Glen, NY 14891

Via email of a PDF copy to County Treasurer Holley Sokolowski <HSokolowski@co.schuyler.ny.us> with a copy to County Attorney Steven J. Getman <SGetman@co.schuyler.ny.us>, with the subject line “Legal Service Proposal – County Treasurer as Public Administrator.”

Telephone and facsimile proposals will not be accepted.

The deadline for delivery of responses to this RFP is 4:00 p.m. on March 1, 2021.

Each proposal must be received by the Treasurer by the stated due date. The Treasurer is not responsible for any internal or external delivery delays that may cause the proposer’s package to arrive beyond the deadline. To be considered, a proposal package MUST arrive

in the place specified herein prior to the deadline.

Proposals shall thereafter be opened and reviewed by the County Treasurer and the County Attorney. Proposals will not be opened publicly and read aloud. Using this RFP, the Treasurer intends to establish a pool of attorneys who will be available to provide legal services and represent such estates and the public administrator as needed during the contract term.

Any and all questions should be submitted via email by 4:00 pm on February 26, 2021, citing the page number and proposal section at issue. Questions should be sent via email to County Treasurer Holley Sokolowski <HSokolowski@co.schuyler.ny.us> with a copy to County Attorney Steven J. Getman <SGetman@co.schuyler.ny.us>. All questions shall be submitted with the subject line: "Question: Legal Service Proposal, County Treasurer as Public Administrator." No questions submitted shall be answered or considered unless submitted compliance with these requirements.

Dated: January 28, 2021
Watkins Glen, New York

Respectfully submitted,
Holley Sokolowski, Schuyler County Treasurer
105 Ninth St. Unit 17
Watkins Glen, NY 14891
Ph: (607) 535-8181